

Notice of meeting and agenda

Development Management Sub-Committee

10.00 am Wednesday, 19th February, 2020

Dean of Guild Court Room - City Chambers

This is a public meeting and members of the public are welcome to attend

Contacts

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1. Order of business

- 1.1 Including any notices of motion, hearing requests from ward councillors and any other items of business submitted as urgent for consideration at the meeting.
- 1.2 Any member of the Council can request a Hearing if an item raises a local issue affecting their ward. Members of the Sub-Committee can request a presentation on any items in part 4 or 5 of the agenda. Members must advise Committee Services of their request by no later than **1.00pm on Monday 17 February 2020** (see contact details in the further information section at the end of this agenda).
- 1.3 If a member of the Council has submitted a written request for a hearing to be held on an application that raises a local issue affecting their ward, the Development Management Sub-Committee will decide after receiving a presentation on the application whether or not to hold a hearing based on the information submitted. All requests for hearings will be notified to members prior to the meeting.

2. Declaration of interests

- 2.1 Members should declare any financial and non-financial interests they have in the items of business for consideration, identifying the relevant agenda item and the nature of their interest.

3. Minutes

- 3.1 Minute of the Development Management Sub-Committee of 22 January 2020 - submitted for approval as a correct record 9 - 14

4. General Applications, Miscellaneous Business and Pre-Application Reports

The key issues for the Pre-Application reports and the recommendation by the Chief Planning Officer or other Chief Officers detailed in their reports on applications will be approved without debate unless the Clerk to the meeting indicates otherwise during “Order of Business” at item 1.

Pre-Applications

- 4.1 Abbey Lane, Edinburgh - Residential and student accommodation development, commercial/community uses, ancillary uses, associated landscaping, parking and infrastructure - application no 19/04860/PAN – Report by the Chief Planning Officer 15 - 20
- 4.2 Springfield Lea, Place ,Terrace and Bo'Ness Road, Echline, South Queensferry, (At Land Bounded By M90) - Residential Development and Associated Works including formation of Vehicular and Pedestrian Access, SUDS Infrastructure Provision and Hard and Soft Landscaping - application no 19/06079/PAN – Report by the Chief Planning Officer 21 - 26

Applications

- 4.3 King's Place, Edinburgh, EH15 1DU - New covered raised floor area forming part of existing outdoor dining area (in retrospect) - application no 19/04018/FUL – Report by the Chief Planning Officer 27 - 38
- It is recommended that this application be **REFUSED**.
- 4.4 51 - 53 Lanark Road, Edinburgh, EH14 1TL - Proposed conversion of 2 listed buildings into 6 apartments and erection of new build element comprising 2 apartments - application no 19/02084/FUL – Report by the Chief Planning Officer 39 - 68
- It is recommended that this application be **GRANTED**.
- 4.5 51 - 53 Lanark Road, Edinburgh, EH14 1TL - New build element tied to the rear of the existing building providing residential accommodation. The project is to be comprised of 8 apartments in total, 6 conversion units within the listed buildings and 2 units 69 - 82

within the new build element. Associated internal and external alterations - application no 19/02085/LBC – Report by the Chief Planning Officer

It is recommended that this application be **GRANTED**.

- 4.6** 238B 1 And 2 Leith Walk, Edinburgh - Change of Use from 2 (two) dwellings to 2 (two) Short term let properties - application no 19/05660/FUL – Report by the Chief Planning Officer 83 - 94

It is recommended that this application be **GRANTED**.

- 4.7** North Milton, Milton Farm Road (Farmhouse A) - Development of existing farm steading building with extension to form worship hall, associated access, car parking and landscaping - application no 19/02418/FUL – Report by the Chief Planning Officer 95 - 120

It is recommended that this application be **GRANTED**.

5. Returning Applications

These applications have been discussed previously by the Sub-Committee. A decision to grant, refuse or continue consideration will be made following a presentation by the Chief Planning Officer and discussion on each item.

- 5.1** None.

6. Applications for Hearing

The Chief Planning Officer has identified the following applications as meeting the criteria for Hearings. The protocol note by the Head of Strategy and Insight sets out the procedure for the hearing.

- 6.1** None.

7. Applications for Detailed Presentation

The Chief Planning Officer has identified the following applications for detailed presentation to the Sub-Committee. A decision to grant, refuse or continue consideration will be made following the

presentation and discussion on each item.

- 7.1** 248 Ferry Road, Edinburgh, EH5 3AN - Change the use from a guest house to a House of Multiple Occupancy. (HMO License applied for separately). 24 hour support will be provided to up to 12 occupants at any given time - application no 19/03712/FUL – Report by the Chief Planning Officer 121 - 132

It is recommended that this application be **GRANTED**.

- 7.2** 35 Lanark Road, Edinburgh, EH14 1TL - Demolition of existing building and erection of purpose built student accommodation and all associated works (amendment to planning consent 16/06275/FUL) - application no 19/03380/FUL – Report by the Chief Planning Officer 133 - 156

It is recommended that this application be **GRANTED**.

8. Returning Applications Following Site Visit

These applications have been discussed at a previous meeting of the Sub-Committee and were continued to allow members to visit the sites. A decision to grant, refuse or continue consideration will be made following a presentation by the Chief Planning Officer and discussion on each item.

- 8.1** None.

Laurence Rockey

Head of Strategy and Communications

Committee Members

Councillor Neil Gardiner (Convener), Councillor Maureen Child (Vice-Convener), Councillor Chas Booth, Councillor Mary Campbell, Councillor George Gordon, Councillor Joan Griffiths, Councillor Max Mitchell, Councillor Joanna Mowat, Councillor Hal Osler, Councillor Rob Munn and Councillor Cameron Rose

Information about the Development Management Sub-Committee

The Development Management Sub-Committee consists of 11 Councillors and is appointed by the City of Edinburgh Council. The Development Management Sub-Committee usually meets in the Dean of Guild Court Room in the City Chambers on the High Street in Edinburgh. There is a seated public gallery and the meeting is open to all members of the public.

Further information

If you have any questions about the agenda or meeting arrangements, please contact Jamie Macrae, Committee Services, City of Edinburgh Council, Business Centre 2.1, Waverley Court, 4 East Market Street, Edinburgh EH8 8BG, Tel 0131 553 8242 / 0131 529 4237, email jamie.macrae@edinburgh.gov.uk / martin.scott@edinburgh.gov.uk.

A copy of the agenda and papers for this meeting will be available for inspection prior to the meeting at the main reception office, City Chambers, High Street, Edinburgh.

The agenda, minutes and public reports for this meeting and all the main Council committees can be viewed online by going to www.edinburgh.gov.uk/cpol.

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Minutes

Development Management Sub-Committee of the Planning Committee

10.00 am, Wednesday 22 January 2020

Present:

Councillors Gardiner (Convener), Child (Vice-Convener), Booth, Mary Campbell, Dixon (substituting for Councillor Gordon), Griffiths, McLellan (substituting for Councillor Rose), Mitchell, Mowat, Munn and Osler.

1. Minute

To approve the minute of the Development Management Sub-Committee of 18 December 2019 as a correct record.

2. General Applications and Miscellaneous Business

The Sub-Committee considered reports on planning applications listed in Sections 4, 5 and 7 of the agenda for this meeting.

Requests for Presentations

The Chief Planning Officer gave a presentation on agenda item 4.7 – 27-29 Murieston Crescent, Edinburgh – Requested by Councillor Booth.

Decision

To determine the applications as detailed in the Appendix to this minute.

(Reference – reports by the Chief Planning Officer, submitted.)

Appendix

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
<p>Note: Detailed conditions/reasons for the following decisions are contained in the statutory planning register.</p>		
<p>4.1 - Ravelrig Road, Edinburgh (At Land Beside)</p>	<p>Proposed residential development with associated landscaping and infrastructure works - application no 19/05205</p>	<p>To note the key issues at this stage.</p>
<p>4.2 - Meadowfield Farm, Turnhouse Road, Edinburgh (Land To South West Of)</p>	<p>Proposed mixed use development including commercial floorspace Class 1 shops. Class 2 financial and professional services. Class 3 restaurants and cafes sui generis including public houses. Class 4 business. Class 6 storage and Class 7 hotels. Class 10 non-residential institutions. Class 11 assembly and leisure residential floorspace including affordable and flats. Associated infrastructure. Car parking and landscaping – 19/05303/PAN</p>	<p>To note the key issues at this stage.</p>
<p>4.3 - 9 Barnton Avenue West, Edinburgh, EH4 6DF</p>	<p>Demolition of existing residential property and erection of 11 flatted dwellings (as amended) - application no 18/09541/FUL</p>	<p>To GRANT planning permission subject to the conditions, reasons and informatives as set out in section 3 of the report by the Chief Planning Officer.</p>
<p>4.4 - 22 Hill Street, Edinburgh, EH2 3JZ</p>	<p>Change of Use and conversion from business (class 4) to four short stay visitor accommodation units over ground / lower ground, first, second and third floors - application no 19/01936/FUL</p>	<p>To GRANT planning permission subject to the informatives as set out in section 3 of the report by the Chief Planning Officer.</p>

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
4.5 - 22 Hill Street, Edinburgh, EH2 3JZ	Alterations to convert to four short stay visitor accommodation units over ground / lower ground floor, first, second and third floors - application no 19/01892/LBC	To GRANT listed building consent subject to the conditions, reasons and informatives as set out in section 3 of the report by the Chief Planning Officer.
4.6 - 2F2 36 Montgomery Street, Edinburgh, EH7 5JY	Change of use of residential flat to short term commercial let - application no 19/04099/FUL	To REFUSE planning permission for the reasons set out in report by the Chief Planning Officer.
4.7 - 27 - 29 Murieston Crescent, Edinburgh, EH11 2LN	Demolition of existing buildings and erection of new student accommodation with associated facilities, access, landscaping, cycle stores and ancillary infrastructure (as amended) - application no 19/04425/FUL	To GRANT planning permission subject to the conditions, reasons, informatives and legal agreement as set out in section 3 of the report by the Chief Planning Officer.
4.8 - 98 Ocean Drive, Edinburgh (At Land 120 Metres South East Of)	Creation of 3 additional units to form 15 townhouses - application no 19/04746/FUL	To GRANT planning permission subject to the conditions, reasons, informatives and legal agreement as set out in section 3 of the report by the Chief Planning Officer.
4.9 - 47A South Clerk Street, Edinburgh, EH8 9NZ	Change of Use from class 1 (shop) to class 3 (restaurant) - application no 19/03972/FUL	To GRANT planning permission subject to the conditions, reasons and informatives as set out in section 3 of the report by the Chief Planning Officer.

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
5.1 - 14 Bonnington Road Lane, Edinburgh, EH6 5RB	Application for planning permission in principle for residential development (up to 220 units) together with commercial space and associated works (including demolition of building) at the former John Lewis Depot, Bonnington - application no 17/05742/PPP	To GRANT planning permission in principle subject to the conditions, reasons, informatives and legal agreement as set out in the report by the Chief Planning Officer and to agree that the legal agreement be extended for a period of 3 months.
5.2 - 10 Builyeon Road, South Queensferry (At Land 288 Metres Southwest Of)	Mixed use development to provide residential, employment, primary school and associated uses, acknowledging BP Pipeline (Edinburgh LDP Site HSG32) (Scheme 3) - application no 16/01797/PPP	To GRANT planning permission in principle subject to the conditions, reasons, informatives and legal agreement as set out in the report by the Chief Planning Officer and to agree that the legal agreement be extended for a period of 3 months.
5.3 - 1 and 4 Gilmerton Station Road, Edinburgh, EH17 8RZ	Mixed Use Development comprising Class 1 retail, class 2 professional services, class 3 (inc Sui Generis) Food and Drink, class 4 to 6 Business/ Industrial, class 7 Hotel, class 11 Assembly and Leisure, Access, Car Parking, Servicing, Bridge, Demolition and Associated Works - application no 19/02122/PPP	To GRANT planning permission in principle subject to the conditions and informatives as set out in the report by the Chief Planning Officer and an additional informative that the applicants work with officers to explore a scheme which addressed the street.

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
5.4 - 103 Newcraighall Road, Edinburgh (At Land 445 Metres North Of)	Proposed residential development (including class 8 residential institutions, class 9 houses and sui generis flats) primary school (class 10 non-residential institutions) local centre (including class 1 retail, class 2 financial services, class 3 food and drink, class 10 non residential institutions and class 11 assembly and leisure), green network, access and transport links, infrastructure and associated ancillary works (as amended.) - application no 16/04122/PPP	To GRANT planning permission in principle subject to the conditions, reasons, informatives and legal agreement as set out in the report by the Chief Planning Officer and to agree that the legal agreement be extended for a period of 3 months.
5.5 - 100 Niddrie Mains Road, Edinburgh, EH16 4DT	Demolition of existing Lidl building and erection of new build residential development comprising of 136 flatted units across 5 no. blocks with associated parking, roads and landscaping - application no 18/02744/FUL	To GRANT planning permission subject to the conditions, reasons, informatives and legal agreement as set out in the report by the Chief Planning Officer and to agree that the legal agreement be extended for a period of 3 months.
5.6 - Royal Hospital For Sick Children, 9 Sciennes Road, Edinburgh	Mixed use development comprising residential (8 houses and 118 flats), student accommodation 323 beds, communal space, cycle/car parking provision, public realm enhancements, associated works and infrastructure. Development involves partial demolition of existing buildings, erection of new buildings and change of use/conversion of retained buildings (as amended) - application no 18/02719/FUL	To GRANT planning permission subject to the conditions, reasons, informatives and legal agreement as set out in the report by the Chief Planning Officer and to agree that the legal agreement be extended for a period of 3 months.

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
<p>7.1 - 30 Corstorphine Road, Edinburgh, EH12 6HP</p>	<p>Conversion of former Nursing Home, gate lodge and stable block to residential use (including demolition of non-original extensions), erection of 2x residential pavilions comprising 23 residential units, associated landscaping and ancillary works - application no 19/04601/FUL</p>	<p>To GRANT planning permission subject to the conditions, reasons, informatives and legal agreement as set out in section 3 of the report by the Chief Planning Officer and that the approved landscaping plans be removed.</p>

Development Management Sub Committee

Wednesday 19 February 2020

Report for forthcoming application by

Artisan Abbeyhill Ltd And Unite Group Plc. for Proposal of Application Notice

19/04860/PAN

**At 2 Abbey Lane, Edinburgh,
Residential and student accommodation development,
commercial/community uses, ancillary uses, associated
landscaping, parking and infrastructure.**

Item number

Report number

Wards

B14 - Craigentiny/Duddingston

Summary

The purpose of this report is to inform the Development Management Sub-Committee of a forthcoming application for planning permission for the demolition of the existing buildings on the site and the erection of a development comprising residential and student accommodation with ancillary commercial space at 2 Abbey Lane.

In accordance with the provisions of the Town and Country Planning (Scotland) Act 1997, the applicant submitted a Proposal of Application Notice 19/04860/PAN on 10 October 2019.

Links

Coalition pledges

Council outcomes

Single Outcome Agreement

Recommendations

1.1 It is recommended that the Committee notes the key issues at this stage and advises of any other issues.

Background

2.1 Site description

The development site is a 0.5 hectare area of land forming part of Abbeyhill Industrial Estate. The site is currently occupied by a multi-ridged building most recently comprising six commercial premises and an area of car parking. To the east is a recent residential development by Bellway Homes comprising flatted blocks of four to six storeys. To the north is a wide road junction onto Abbey Lane with the six storey Arc building beyond. Abbey Lane bounds the site to the west and slopes downward at this point providing vehicular and pedestrian access along Abbey Hill toward the city centre heading east and beneath the railway to Spring Gardens to the west.

The site was formerly part of a goods yard associated with the adjacent railway and as a result its topography is relatively flat.

The site is accessed from the north off Abbey Lane.

2.2 Site History

There is no relevant planning history for this site.

Adjacent Sites

28 June 2016 - Planning permission was granted for the demolition of existing units and erection of 139 new apartments at 4 Abbey Lane (application number: 16/00770/FUL).

Main report

3.1 Description Of The Proposal

An application for planning permission will be submitted for the demolition of the existing buildings on the site and the erection of a development comprising residential and student accommodation with ancillary commercial space at ground floor level.

No details have been submitted of number of units, type of housing, access, or design at this stage.

3.2 Key Issues

The key considerations against which the eventual application will be assessed include whether:

a) The principle of the development is acceptable in this location;

The site is located in the Urban Area as designated by the Edinburgh Local Development Plan (LDP). Policy Hou 1 (Housing Development) of the LDP is supportive of housing development on suitable sites within the urban area, provided the proposals are compatible with other local plan policies.

The proposal will also be assessed in terms of Policy Hou 8 (Student Housing) and the Council's Non-statutory Guidance on Student Housing.

b) The design, scale and layout are acceptable within the character of the area and whether the proposal complies with the Edinburgh Design Guidance;

The proposal will need to demonstrate high standards of design and utilise appropriate materials. The proposal should also have regard to the surrounding urban form. Daylight, sunlight and privacy, as well as usable amenity spaces should be provided. The proposal should also demonstrate how the amenity of future occupiers will be protected, particularly in relation to the railway.

The proposal will be considered against the Edinburgh Design Guidance (EDG) and local plan policies. A design and access statement will accompany the application.

c) Access arrangements are acceptable in terms of road safety and public transport accessibility;

The proposal should have regards to transport policies of the LDP and the EDG. Consideration should be given to the impact on traffic flows on local roads, access to public transport and improved pedestrian and cycle access. Transport information will be required to support the application.

d) There are any other environmental factors that require consideration;

The applicant will be required to submit sufficient information to demonstrate that the site can be developed without having a detrimental impact on the environment, including:

- Pre-application Consultation Report;
- Planning Statement;
- Design and Access Statement (to include key and local view assessment);
- Transport Information;
- Flood Risk Assessment and Surface Water Management Plan;
- Tree Survey;
- Sustainability Statement;
- Daylight, Sunlight and Privacy Assessment
- Noise and Vibration Impact Assessment; and
- Archaeological Information.

3.3 Assessment

This report highlights the main issues that are likely to arise in relation to the various key considerations. This list is not exhaustive and further matters may arise when the new application is received, and consultees and the public have the opportunity to comment.

Financial impact

4.1 The forthcoming application may be subject to a legal agreement.

Risk, Policy, compliance and governance impact

5.1 Provided planning applications are determined in accordance with statutory legislation, the level of risk is low.

Equalities impact

6.1 This is a pre-application report. When a planning application is submitted it will be assessed in terms of equalities and human rights.

Sustainability impact

7.1 A sustainability statement will need to be submitted with the application.

Consultation and engagement

8.1 Pre-Application Process

The Proposal of Application Notice (reference: 19/04860/PAN) outlined two a public exhibitions to be held on 31 October 2019 and 5 December 2019 at Meadowbank Church Hall. Copies of the notice were also sent to:

- Craigentiny/Meadowbank Community Council;
- Old Town Community Council;
- Craigentiny/Duddingston Neighbourhood Partnership;
- Local ward members, and;
- Local MP and MSP.

The results of the community consultation will be submitted with the application as part of the Pre-application Consultation Report.

8.2 Publicity summary of representations and Community Council comments

Background reading/external references

- To view details of the proposal of Application Notice go to
- [Planning and Building Standards online services](#)
- [Planning guidelines](#)
- [Conservation Area Character Appraisals](#)
- [Edinburgh Local Development Plan](#)

David R. Leslie

Chief Planning Officer

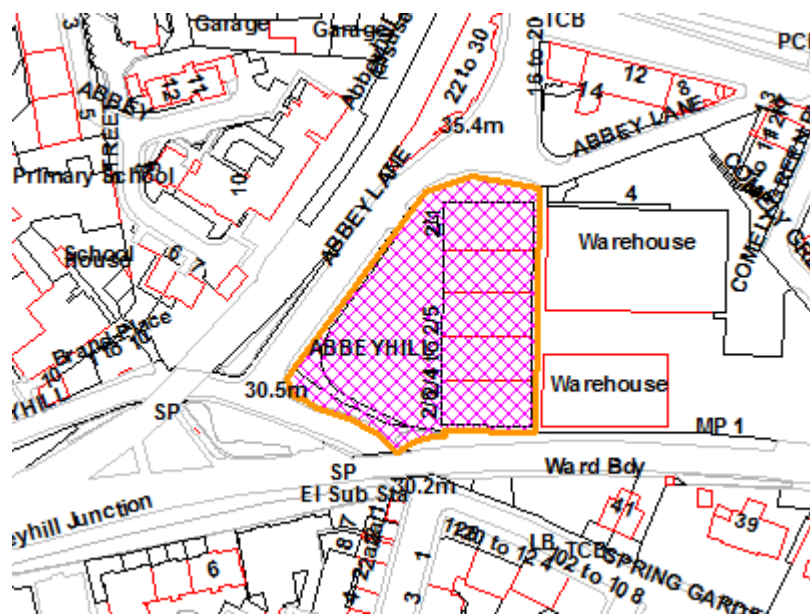
PLACE

The City of Edinburgh Council

Contact: Alexander Gudgeon, Planning officer

E-mail:alexander.gudgeon@edinburgh.gov.uk Tel:0131 529 6126

Location Plan



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Development Management Sub Committee

Wednesday 19 February 2020

Report for forthcoming application by

**Cala Management Ltd. for Proposal of Application Notice
19/06079/PAN.**

**At Land Bounded By M90, Springfield Lea, Place ,Terrace
and Bo'Ness Road, Echline, South Queensferry
Residential Development and Associated Works including
formation of Vehicular and Pedestrian Access, SUDS
Infrastructure Provision and Hard and Soft Landscaping.**

Item number

Report number

Wards

B01 - Almond

Summary

The purpose of this report is to inform the Development Management Sub-Committee of a forthcoming full planning application for a residential development on LDP site HSG1, Springfield, Queensferry.

In accordance with the provisions of the Town and Country Planning (Scotland) Act 1997, as amended, the applicants have submitted a Proposal of Application Notice (19/06079/PAN) on 18 December 2019.

Links

Coalition pledges

Council outcomes

Single Outcome Agreement

Recommendations

1.1 It is recommended that the Committee notes the key issues at this stage and advises of any other issues.

Background

2.1 Site description

The LDP site (13 hectares) lies on the western edge of Queensferry, between existing housing at Springfield and the new approach road to Queensferry Crossing (M90). The B924 Bo'ness Road and A904 Builyeon Road are situated to the south, these connect with a new road junction to the M90 and the Queensferry Crossing. Society Road, Port Edgar and the Firth of Forth are situated to the north.

The development site forms a smaller part of the LDP allocation (7.25 hectares) and mainly comprises grassland with earth bunding to the west and various landscaping measures recently implemented by Transport Scotland as part of the Queensferry Crossing. A balancing pond in the northern part of the site and new access tracks/cycle paths to the western and northern site edges were also installed. A number of informal paths currently intersect the site.

The topography generally falls from south to north, sloping sharply at the northern end of the site towards the Firth of Forth. Large parts of the site afford views to the new Queensferry Crossing, the Forth Road Bridge and Forth Bridge UNESCO site.

The existing housing to the east and south east mainly comprises two storey suburban housing developed from 1970's-1990's. Queensferry town centre is located around 1km to the north east, with Dalmeny Station and Queensferry High School lying around 2km to the east.

2.2 Site History

12 November 2013 - Planning Permission granted for construction of an access track, footway and cycle links between the A904 and the South Abutment of the Queensferry Crossing (revision to principal work items under the Forth Crossing Act 2011) (application reference: 13/03538/FUL).

Neighbouring Sites

21 February 2019 - Development Management Sub-committee minded to grant Planning in Permission for Residential (700-980 units), Primary School and Class 4 business uses for land at Builyeon Road to the south east (LDP Housing Proposal HSG32) (application reference: 16/01797/PPP).

Main report

3.1 Description of the Proposal

The forthcoming application will be for full planning permission for the development of part of the LDP site. The application is for a residential development with a vehicular and pedestrian access, SUDS infrastructure provision, hard and soft landscaping.

3.2 Key Issues

The key considerations against which the eventual application will be assessed include whether:

a) The principle of the development is acceptable in this location;

The application site is identified in the Edinburgh Local Development Plan as part of HSG1. The LDP indicates the 13 hectare site has an estimated capacity of 150 units. This application relates to a development on a smaller part of the site, comprising 7.25 hectares.

The LDP states that proposals should include playing fields, changing facilities, amenity open space and a link road from Bo'ness Road to Society Road should be explored.

b) The design, scale and layout are acceptable;

The proposal will be submitted as a full planning application and will be considered against LDP policies and the Edinburgh Design Guidance. The proposal was presented to the Edinburgh Urban Design Panel on 30 October 2019.

A Design and Access Statement will be required to accompany the application.

c) Access arrangements are acceptable in terms of road safety and public transport accessibility; and

The proposal will have to consider current transport policies of the LDP, the Edinburgh Design Guidance and Edinburgh Streets Design Guidance. Consideration should be given to the impact on traffic flows on local roads and access to public transport.

A Transport Statement will be required to accompany the application.

The site lies within the Queensferry Contribution Zone.

d) There are any other environmental factors that require consideration.

A Screening Opinion has been issued to the applicant which confirms that an Environmental Impact Assessment is not required for this proposal.

The applicant will be required to submit sufficient information to demonstrate that the site can be developed without having an unacceptable impact on the environment, including:

- Pre-application consultation report;
- Planning Statement;
- Design and Access Statement;
- Transport Assessment;
- Archaeology Report;
- Landscaping Plan and associated Phasing Plan;
- Landscape and Visual Impact Assessment;
- Flood Risk Assessment and Surface Water Management Plan;
- Site Investigation Report;
- Habitat and Species Survey;
- Air Quality Impact Assessment;
- Noise Impact Assessment and
- Sustainability Statement.

3.3 Assessment

This report highlights the main issues that are likely to arise in relation to the various key considerations. This list is not exhaustive and further matters may arise when the new application is received, and consultees and the public have the opportunity to comment.

Financial impact

4.1 The forthcoming application may be subject to a legal agreement.

Risk, Policy, compliance and governance impact

5.1 Provided planning applications are determined in accordance with statutory legislation, the level of risk is low.

Equalities impact

6.1 This is a pre-application report. When a planning application is submitted it will be assessed in terms of equalities and human rights.

Sustainability impact

7.1 A sustainability statement will need to be submitted with the application.

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

The Proposal of Application Notice (application reference: 19/06079/PAN) outlined a public exhibition to be held on 24 and 25 January at Echline Primary School. A statutory press notice will also be placed in the Linlithgow Gazette and Edinburgh Evening News no later than 17 January. Leaflets are proposed to be issued to neighbouring properties during the week commencing 13 January.

The applicant has already met with Queensferry and District Community Council to discuss and agree the consultation strategy. The Community Council will publicise the event through their website and social media channels.

The results of the community consultation will be submitted with the application as part of the Pre-application Consultation Report.

Background reading/external references

- To view details of the proposal of Application Notice go to
- [Planning and Building Standards online services](#)
- [Planning guidelines](#)
- [Conservation Area Character Appraisals](#)
- [Edinburgh Local Development Plan](#)

David R. Leslie

Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Nicola Orr, Planning Officer
E-mail: nicola.orr@edinburgh.gov.uk Tel: 0131 469 3712

Location Plan



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Development Management Sub Committee

Wednesday 19 February 2020

**Application for Planning Permission 19/04018/FUL
at 3 King's Place, Edinburgh, EH15 1DU.
New covered raised floor area forming part of existing
outdoor dining area (in retrospect).**

Item number

Report number

Wards

B17 - Portobello/Craigmillar

Summary

The application is contrary to the development plan and non-statutory guidance. The proposal is not an appropriate scale, form and design for this location.

The proposal will have a detrimental impact upon the amenity of neighbouring properties. There are no material considerations that outweigh this conclusion.

Links

[Policies and guidance for this application](#)

LDPP, LDES12, LDES01, LDES05, NSG, NSGD02,

Report

Application for Planning Permission 19/04018/FUL. at 3 King's Place, Edinburgh, EH15 1DU. New covered raised floor area forming part of existing outdoor dining area (in retrospect).

Recommendations

1.1 It is recommended that this application be Refused for the reasons below.

Background

2.1 Site description

The site comprises a triangular shaped public house located to the rear (northern) boundary of the four storey tenement that fronts King's Road. It is located at the eastern end of King's Road and fronts the promenade (King's Place) beyond which lies the sea wall.

The premises include land to the north, part of the promenade, which is under the Council's ownership. It is surrounded by a low wall. The area is used as a beer garden.

The surrounding area is mixed in character with residential tenements to the south and commercial garages to the North West.

2.2 Site History

15 Aug 2008 - Enforcement investigation into the unauthorised erection of a conservatory and an extension to the 'beer garden' by erection of a wall (application number 08/00495/EOPDEV).

No further action was taken as the conservatory was considered acceptable in planning terms and the wall did not require planning permission. The extension to the beer garden was minimal and it was concluded that the Council, as landowner, had control over the 'beer garden' area, both originally and as extended.

12 Nov 2009 - Planning permission refused for extension to form new lounge and bar (application number 08/03541/FUL).

13 May 2010 - Enforcement investigation in relation to display of flags, erection of conservatory and extension of a wall (application number 10/00224/EOPDEV).

No action taken. Erection of conservatory was previously investigated and considered acceptable. The wall did not require planning permission and the extension to the beer garden was concluded as ancillary to the beer garden and had been in long standing use, in excess of 10 years.

Main report

3.1 Description of the Proposal

The application seeks retrospective planning permission for external alterations to the existing commercial property operating as The Boathouse.

The alterations to the original building include installing 150mm vertical stained timber cladding to the external wall replacing the white render, the proposal also includes the replacement of all the windows and the door, and the erection of horizontal timber boarding along the roof of the building, which measures approximately 0.8 metres in height.

The development also includes demolishing the existing glass conservatory and the erection of a timber extension to accommodate customer toilet facilities, accessed via the outdoor area and the existing public house. The extension measures approximately 3.1 metres in height.

A raised timber deck has been installed in the enclosed garden area. On the deck a timber frame structure has been erected to create internal space for seating and an outdoor bar. The overall height of the deck and structure is approximately 3.1 metres. The structure is enclosed to the rear with horizontal timber and a temporary perspex enclosure on the remaining sides. The structure measures approximately 12.5 x 9.6 metres, creating approximately 118 sq.m in floorspace. The space is accessed via steps from the outdoor area with no access from the existing building.

The existing stone boundary wall (painted white) has been clad with timber cladding and a level tabletop formed along the surface.

3.2 Determining Issues

Section 25 of the Town and Country Planning (Scotland) Act 1997 states - Where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.

Do the proposals comply with the development plan?

If the proposals do comply with the development plan, are there any compelling reasons for not approving them?

If the proposals do not comply with the development plan, are there any compelling reasons for approving them?

3.3 Assessment

To address these determining issues, the Committee needs to consider whether:

- a) the proposal adversely affects the character of the surrounding area in terms of scale, form and design;
- b) there is any adverse impact on neighbouring amenity;
- c) the proposal results in increased flood risk;
- d) the proposal impacts upon pedestrian or road safety and
- e) any public comments raised have been addressed.

a) Scale, form and design

LDP Policy Des 12 (Alterations and Extensions) states that planning permission will be granted for alterations and extensions to existing buildings which:

- a) in their design and form, choice of materials and positioning are compatible with the character of the existing building;
- b) will not result in an unreasonable loss of privacy or natural light to neighbouring properties and
- c) will not be detrimental to neighbourhood amenity and character.

Furthermore, LDP Policy Des 1 (Design Quality and Context) requires development to draw upon positive characteristics of the area and create a sense of place. The policy states that planning permission will not be granted for poor quality or inappropriate design or for proposals that are damaging to the character or appearance of the area around it.

In terms of scale, the height of the extension and the timber structure in the beer garden appear to match the height of the main building. However, the height of this building was altered through the installation of timber boarding and therefore the works exceed the height of the original building, dominating its original character and appearance.

The existing building measures approximately 148 sq.m in floorspace. Whilst the toilet extension replaces the former conservatory, the bar/restaurant structure in the beer garden constitutes a significant addition to the commercial premises equating to an additional 118 sq.m of internal floor space. The garden structure has enclosed a previously open area of hardstanding and informal seating by creating internal accommodation for seating as well as a new bar area. Given this, the development is not subservient in scale to the original building and the works represent overdevelopment of the site, to the detriment of the character of the area.

Additionally, the development allows the area to be utilised all year round as opposed to the former arrangement which would only be utilised in the warmer months due to lack of shelter. As such, the scale and additional bar area constitutes an intensification of use to the detriment of residential properties in the area.

In terms of materials, the development has introduced a stained timber clad finish to the exterior of the existing rendered building, with the extension and garden structure constructed in matching materials. This is not characteristic of the area nor in keeping with the appearance and character of the existing building, which has been diminished by the works. The garden structure has been constructed using a timber frame, horizontal timber planks and uses perspex panels as glazing. This material palette results in a poor quality finish that appears temporary in appearance and has a negative effect on the character of the area.

The installation of timber boarding on the flat roof appears unfinished when viewed from the neighbouring properties. This vertical boarding along with the toilet extension now encloses the neighbouring gardens which were previously relatively open. Whilst this does not impact the immediate outlook given the distance, it has resulted in an unattractive and obtrusive boundary treatment.

Overall, the materials are not appropriate for this site and the works carried out represent incongruous additions that are not sympathetic to the character and appearance of the original building.

In light of the above, the development is contrary to LDP Policy Des 1 and LDP Policy Des 12 in relation to design, scale and materials. The development does not represent an acceptable addition to the site and is detrimental to the character and appearance of the locality.

b) Neighbouring amenity

LDP Des 5 (Development Design- Amenity) requires demonstration that the amenity of neighbouring properties is not affected by development in terms of noise, daylight, sunlight, privacy and immediate outlook. LDP Policy Des 12 particularly requires that development will not result in an unreasonable loss of privacy or natural light to neighbouring properties.

Representations have raised concern with regards to noise disturbance as a result of the development. The raised floor area has a roof, but the sides have been designed to be open, providing little mitigation in terms of noise impacts. Environmental Protection was consulted on the application and confirmed that the City of Edinburgh Council is already in receipt of complaints about this site in relation to noise. Environmental Protection recommends refusal of the application. No mitigation is proposed and therefore the development is not in compliance with LDP Policy Des 5.

Representations have also raised concern with regards to the impact of the development upon the availability of daylight into neighbouring properties. The additional height of the building through the installation of the timber boarding does not result in a significant reduction in the availability of daylight into neighbouring properties. In terms of sunlight, the additional height does not result in harmful overshadowing. As such the works will not adversely impact upon neighbouring amenity in respect to these matters and are in compliance with LDP Policy Des 12 and Des 5.

In terms of privacy, there is no direct window to window overlooking and no outdoor seating looks towards the neighbouring properties. As such, the development does not adversely impact upon the privacy of neighbouring residents, in compliance with LDP Policy Des 12 and Des 5.

LDP Policy Des 5 also states that refuse and recycling facilities be integrated into the design of the development. In this instance, the former area for waste storage has been occupied by the new development and the waste storage has been displaced to the public highway, contrary to the policy requirements.

Overall, the proposal fails to comply with Policy Des 5 in relation neighbouring amenity.

c) Flood risk

The Councils Flood Prevention Team was consulted on the proposal and have raised no issues in respect to the development.

d) Pedestrian and road safety

The Roads Authority was consulted on the development and have responded that it is understood the development has encroached onto the road (footway) which in the absence of the Road's Authority's consent in writing, is considered an obstruction under Section 59 of the Roads (Scotland) Act 1984.

This application does not propose a change of use of the section of land that encroaches the public highway. Land Ownership is not a planning matter and this matter was addressed under previous enforcement investigations.

Representations have raised concern with regards to wooden planters being placed along the boundary of the site. There is no depiction of these planters on the submitted plans and these are therefore not subject to this planning application. This matter would need to be addressed by the Roads Authority as part of the ongoing enforcement case.

e) Public comments

Material Considerations- Objections

- impact upon availability of daylight into neighbouring windows - addressed under Section 3.3b;
- impact upon sunlight - addressed under Section 3.3b;
- appearance of wooden hoarding on roof - addressed under Section 3.3a;
- noise pollution, audible speaking and live music - addressed under Section 3.3b;
- scale of development, now results in a new restaurant and bar without needing to access original bar - addressed under Section 3.3a;
- poor quality materials and temporary appearance and not in keeping with area - addressed under Section 3.3a;
- obstructions to public path caused by planters and metal barriers to create area around the boundary wall which is used to serve drinks - addressed in Section 3.3d and
- size and scale not subservient - addressed under Section 3.3a.

Material Considerations- Support

- has created a new sense of place and attractive place for people to visit;
- improves vitality and benefits the area economically;
- uses sympathetic materials in keeping with the area;
- development has improved noise disturbance as terraced area now covered and quiet; and
- the development has improved the appearance of the formally neglected area and the appearance is better than previous arrangement.

Non-Material Representations

- materials not durable and don't meet sustainability standards - this matter is controlled under separate legislation. A building warrant has been submitted and is pending consideration;
- business is an asset to the community and owners are active in the community and charity events - the applicant's circumstances are not a material planning consideration;
- concern over business's Facebook posts suggesting venue will be used as a live music venue during the Fringe - this matter is not controlled through planning legislation and would require a licence;
- concern that alcohol is being served out with boundary - this matter is not controlled through planning legislation and would require a licence;
- discrepancies on licencing application - this matter is not controlled through planning legislation and would require to be dealt with by Licencing;
- business attracts better clients - the type of client is not a material planning consideration;
- concern raised over neighbouring parked caravans and resultant litter caused by caravans - this matter is not relevant to this application;
- suggestion that the Council should seek Council Tax from neighbouring caravans and clean up the immediate area - this matter is not relevant to this application;
- plans do not show all development that has taken place - this will be addressed through on going enforcement investigation;
- no disabled access to the covered area - this matter is controlled under separate legislation. A building warrant has been submitted and is pending consideration; and
- waste now being stored on public path as result of development - this is a matter for waste services.

Conclusion

The proposal is contrary to LDP Policies Des 1 and Des 12 in relation to design, scale and materials. The proposal is contrary to LDP Policy Des 5 in relation to its impact upon neighbouring amenity. The proposal is an unacceptable addition to the site that adversely affects the appearance and character of the locality and is detrimental to neighbouring amenity. There are no material considerations that outweigh this conclusion and refusal is recommended.

It is recommended that this application be Refused for the reasons below.

3.4 Reasons

Reasons: -

1. The proposal is contrary to LDP Policies Des 1 and Des 12 in relation to design, scale and materials. The proposal is contrary to LDP Policy Des 5 in relation to its impact upon neighbouring amenity. The proposal is an unacceptable addition to the site that adversely affects the appearance and character of the original building and the locality and is detrimental to neighbouring amenity.

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

5.1 Provided planning applications are determined in accordance with statutory legislation, the level of risk is low.

Equalities impact

6.1 The equalities impact has been assessed as follows:

The application has been assessed and has no impact in terms of equalities or human rights.

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

This application is not subject to the sustainability requirements of the Edinburgh Design Guidance.

Consultation and engagement

8.1 Pre-Application Process

There is no pre-application process history.

8.2 Publicity summary of representations and Community Council comments

There have been 66 support comments and 10 objection comments received in relation to the development.

Background reading/external references

- To view details of the application go to
- [Planning and Building Standards online services](#)
- [Planning guidelines](#)
- [Conservation Area Character Appraisals](#)
- [Edinburgh Local Development Plan](#)
- [Scottish Planning Policy](#)

Statutory Development Plan Provision	The adopted Edinburgh Local Development Plan.
Date registered	25 September 2019
Drawing numbers/Scheme	01, Scheme 1

David R. Leslie
 Chief Planning Officer
 PLACE
 The City of Edinburgh Council

Contact: Sonia Macdonald, Planning Officer
 E-mail: Sonia.Macdonald@edinburgh.gov.uk Tel:0131 529 4279

Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

LDP Policy Des 12 (Alterations and Extensions) sets criteria for assessing alterations and extensions to existing buildings.

LDP Policy Des 1 (Design Quality and Context) sets general criteria for assessing design quality and requires an overall design concept to be demonstrated.

LDP Policy Des 5 (Development Design - Amenity) sets criteria for assessing amenity.

Relevant Non-Statutory Guidelines

Non-Statutory guidelines Edinburgh Design Guidance supports development of the highest design quality and that integrates well with the existing city. It sets out the Council's expectations for the design of new development, including buildings, parking, streets and landscape, in Edinburgh.

Appendix 1

Application for Planning Permission 19/04018/FUL at 3 King's Place, Edinburgh, EH15 1DU. New covered raised floor area forming part of existing outdoor dining area (in retrospect).

Consultations

Roads Authority Issues

The application should be refused:

1. *It is understood that this development has apparently encroached onto the road (footway) which, in the absence of the Roads Authority's consent in writing, is considered an obstruction under Section 59 of the Roads (Scotland) Act 1984.;*

Note:

I. *If this issue can be dealt with through the Planning process, then there would be no objections and the following can be added as an informative:*

a. *In accordance with the Council's LTS Travplan3 policy, the applicant should consider developing a Travel Plan including provision of pedal cycles (inc. electric cycles), secure cycle parking, public transport travel passes, a Welcome Pack, a high-quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities), timetables for local public transport;*

II. *The proposed zero parking is considered acceptable;*

III. *It is also noted that a number of wooden planters have been placed in the proximity of this application site on the adopted road, without the express permission of the Council as the Road's Authority. If these are associated with this proposal, the Applicant should contact the Locality Office to discuss further;*

IV. *The road in question is adopted for maintenance purposes by the Council as "Public Road" as defined in the Roads (Scotland) Act 1984. The ownership of the land underneath is therefore irrelevant.*

Flood Planning comment

There is no surface water management information on the portal for me to review. Given the scale and nature of the development, this application can proceed to determination without the requirement for self-certification information and with no further comments from Flood Planning.

Environmental Protection comment

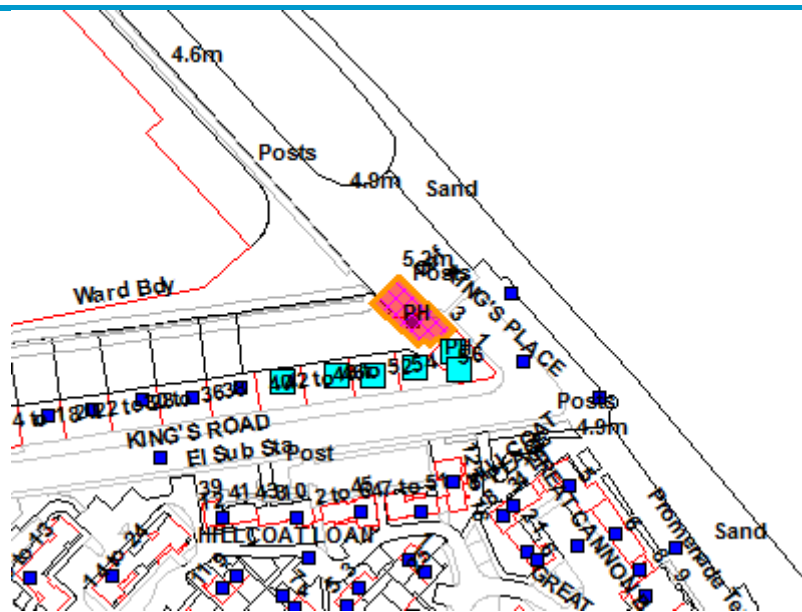
The application site is an outdoor bar area attached to the existing licensed premises at 3 King's Place. The site is overlooked by a row of residential tenement buildings to the south.

Whilst the raised floor area does have a roof, the sides are open, so this roof provides very little mitigation in terms of noise control.

Noise, in particular vocals, from outdoor drinking areas are extremely difficult to modulate and control. There are no mitigation measures, beyond fully enclosing the area, which has not been suggested as part of this application. Nearby residents would likely be subjected to unacceptable levels of noise, and it would be detrimental to residential amenity. City of Edinburgh Council is already in receipt of complaints about this area, in relation to music noise and patrons talking.

Environmental Protection therefore cannot support this application and recommends refusal.

Location Plan



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END

Development Management Sub Committee

Wednesday 19 February 2020

**Application for Planning Permission 19/02084/FUL.
at 51 - 53 Lanark Road, Edinburgh, EH14 1TL.
Proposed conversion of 2 listed buildings into 6
apartments and erection of new build element comprising 2
apartments.**

Item number

Report number

Wards

B09 - Fountainbridge/Craiglockhart

Summary

The application complies with adopted LDP policies Des 1, Des 4, Des 5, Des 12, Env 3, Env 4, Env 12, Env 16, Env 21, Hou 1, Hou 2, Hou 4, Hou 5, Tra 2, Tra 3, the Edinburgh Design Guidance and Historic Environment Scotland's Managing Change in the Historic Environment Guidance notes. The breach in LDP policy Hou 3 is acceptable in this instance.

Links

[Policies and guidance for this application](#)

LDPP, LDES01, LDES04, LDES05, LDES12, LEN04, LEN16, LEN12, LEN21, LHOU01, LHOU02, LHOU03, LHOU04, LHOU05, LTRA02, LTRA03, LEN03, NSG, NSGD02, HES, HESUSE, HESEXT, HESWIN, HESINT,

Report

Application for Planning Permission 19/02084/FUL. at 51 - 53 Lanark Road, Edinburgh, EH14 1TL Proposed conversion of 2 listed buildings into 6 apartments and erection of new build element comprising 2 apartments.

Recommendations

1.1 It is recommended that this application be Granted subject to the details below.

Background

2.1 Site description

The application consists of a group of listed buildings which, along with those nearby, shaped the core of the historic Slateford Village.

The site now sits near a busy road junction where Lanark Road and Inglis Green Road meet.

No. 51 is a category C listed building, dating from 1901. (Listing date: December 2008, listing reference: LB 28196).

It is a two storey building with a wide 4-bay hall over ground floor shop premises with simple Renaissance detailing on the ground floor. The building is in white painted render with painted coursed stone at 1st floor and red sandstone cornice, skews and finials. There is a modern plate glass shop front inserted into the centre of the ground floor elevation. Some of the windows are currently blocked.

No. 53 is a category B listed building. (Listing date: December 1974, Listing reference: LB 51269). It is an 18th century classical style 2- storey harled house with a later addition to the south west gable.

The properties have been internally joined in the past and utilised as office accommodation with the rear of the property being used as a car park. There are mature trees within the rear car parking area while a large garden area to the south is heavily covered in a variety of trees and large shrubs.

Directly to the east of the site is No. 47-49 Lanark Road, a category C listed building which is a 2 storey shop and tenement which was converted to offices in the 1970s.

To the south east is No. 45 Lanark Road, the former Slateford Church, which is now in use as commercial premises and directly to the south of the former church is No.45 the old manse building. Both of these properties are part of a group B listing.

2.2 Site History

7 September 2005- Planning permission withdrawn for the conversion of existing offices to housing (as amended to omit new houses) (application number 05/01031/FUL)

7 September 2005- Listed Building Consent withdrawn for the conversion of existing offices to housing (as amended to omit new houses) (application number 05/01031/LBC)

Main report

3.1 Description of the Proposal

The application is for planning permission for the conversion of the two listed buildings into six apartments and the erection of a two storey new build element comprising two apartments.

To the principal elevation of the building, two small conservation style rooflights will be formed and an existing bricked up window will be turned into a new door. Two of the other bricked up windows will also be returned to windows.

To the rear of the building, four conservation style rooflights will be installed. A small existing outshot will be removed and a two storey flat roofed extension will be erected. The extension will be finished in a mixture of white render to match that on the existing building and zinc. Car parking for five vehicles is proposed as is secure storage for 18 bikes. An element of new green space is also proposed directly to the rear of the existing building, around the proposed rear extension and around the existing trees. Only one tree within the site is proposed to be removed. Two refuse stores are also proposed to the rear of the site.

Within the property the existing hall/stairway will be altered and the existing great hall will be subdivided and a mezzanine level installed. Other internal alterations include the formation of kitchen units in certain rooms and the subdivision of smaller secondary areas.

Scheme One: - A three storey rear extension was proposed as well as more intensive subdivision of the great hall space.

3.2 Determining Issues

Section 25 of the Town and Country Planning (Scotland) Act 1997 states - Where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.

Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states that in considering whether to grant planning permission for development which affects a listed building or its setting, a planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Do the proposals comply with the development plan?

If the proposals do comply with the development plan, are there any compelling reasons for not approving them?

If the proposals do not comply with the development plan, are there any compelling reasons for approving them?

3.3 Assessment

To address these determining issues, the Committee needs to consider whether:

- (a) the principle of the proposal is acceptable in this location;
- (b) the proposed scale, form, design and materials will adversely affect the character and appearance of the listed building, its setting or that of the surrounding area;
- (c) the proposal will result in an unreasonable loss of neighbouring amenity;
- (d) the proposal provides sufficient amenity for the future occupiers of the development;
- (e) the proposal will have adequate car and cycle parking and will have no impact upon road or pedestrian safety;
- (f) any flooding concerns have been addressed;
- (g) the proposal will not have a damaging impact upon trees worthy of merit or be harmful to ecology and
- (h) representations raised have been addressed.

a) Principle

Policy Hou 1-(Housing Development) of the adopted Edinburgh Local Development Plan (LDP) states that housing development will be supported on suitable sites in the urban area, provided the proposals are compatible with other policies in the plan.

The application site is defined as being part of the urban area in the adopted LDP. The principle of housing development at the site is therefore acceptable as long as the proposals are compatible with other policies in the plan. Compliance with other policies in the plan are addressed in further detail below and in sections 3.3 (b- h).

LDP policy Hou 2- (Housing Mix) states that the Council will seek a mix of house types and sizes where practicable to meet a range of housing needs. The surrounding area is a mixture of flats, commercial units and detached dwellings. The proposed flats are a mix of six, 1 bedroom and two 2 bedroom flats which would provide further accommodation within the area for individuals starting on the property ladder or for smaller families. It therefore complies with LDP policy Hou 2.

LDP policy Des 2- (Co-ordinated Development) states that planning permission will be granted for development which will not compromise the effective development of adjacent land. As stated in section 3.3 c, the proposal will have no material impact upon neighbouring properties in terms of amenity and will not compromise the ability of these properties or adjacent land to be developed in the future. It therefore complies with LDP policy Des 2.

As detailed above the proposal complies with the majority of relevant LDP policies. However, it does constitute a breach in LDP policy Hou 3 (Private Green Space in Housing Development). The proposal therefore does not fully comply with LDP policy Hou 1. However, in this instance the breach is justifiable.

b) Character and Setting of the Listed Building

LDP policy Des 1 states that planning permission will be granted for development where it is demonstrated that the proposal will create or contribute towards a sense of place.

LDP Policy Env 4 (Listed Buildings - Alterations and Extensions) states that proposals to alter a listed building will be permitted where those alterations are justified; will not result in unnecessary damage to historic structures or result in a diminution of the buildings interest; and any additions would be in keeping with other parts of the building.

Section 59 (1) of the Planning (Listed Building and Conservation Areas)(Scotland) Act 1997 states:-

"In considering whether to grant planning permission for development which affects a listed building or its setting, a planning authority or the Secretary of State, as the case may be, shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

Use and adaptation

Historic Environment Scotland's (HES) Managing Change in the Historic Environment guidance note on the use and adaptability of listed buildings is applicable. It states that *for a building to remain in use over the long term, change will be necessary. This reflects changes over time in how we use our buildings and what we expect from them. The listed buildings in Scotland reflect a wide range of our history and culture, they contribute to our well- being culturally, socially and economically. We can't have these benefits without caring for these buildings. We need to make sure they have a long term future if we want to benefit from them in the long term*

A building's long-term future is at risk when it becomes hard to alter and adapt it when needed. Proposals that keep buildings in use, or bring them back into use, should be supported as long as they do the least possible harm. Once a building is empty or underused its long term future is immediately at risk

The properties have been previously utilised as offices. However, one of the properties has been vacant for over a year and the building as a whole has been up for sale since October 2018. A suitable use for the property must now be found if its future is to be guaranteed.

Historic Environment Scotland's guidance note on the use and adaptability of listed buildings, explains that the process of converting a building will have some impact on a building's special interest, regardless of how well it is handled.

Interior

Historic Environment Scotland's Guidance Note on Managing Change in the Historic Environment: Interiors states that *The 'plan form' is the arrangement and division of internal spaces into rooms and circulation spaces such as halls, stairs and corridors, and is a key component of the character and special interest of any building. The interrelationship of rooms and circulation space is a reflection of the building's design, function, status and period. Where rooms are arranged to create particular spatial effects or views, the position of features such as doors, windows, fireplaces and cupboards can be significant*

Alteration to a historic building should protect its character. In general, the principal spaces in a building are more sensitive to change as these are the spaces that normally make the most significant contribution to its character

The Council's Listed Buildings and Conservation Area guidance (LBCA) states *the original plan form of a building should always be respected. All major works of alteration should be limited to areas of secondary importance. There will be a particular requirement not to sub-divide, either vertically or horizontally, principal rooms and entrance/stair halls. Where the interior is of particular architectural or historical importance, subdivision will not be permitted. The degree of change to the plan form which may be acceptable will normally be dependent on previous alterations and use.*

The proposed internal alterations will preserve the interior of the listed buildings and any special architectural or historic interest they possess. A full assessment of the proposed internal works to the listed buildings is covered in the concurrent application for listed building consent (19/02085/LBC).

Roof

Historic Environment Scotland's Managing Change in the Historic Environment guidance note: Roofs states that *the addition of new features to principal or prominent roof slopes should generally be avoided. New dormers and roof lights should be appropriately designed and located with care.*

The Council's Listed Buildings and Conservation Area guidance (LBCA) states that *roof lights are almost always the preferred solution instead of dormers, but these will not generally be permitted on roof slopes which are largely unaltered. Where acceptable, roof lights should be of conservation type and should be of an appropriate scale and proportion. The proposed number of roof lights will also be a deciding factor.*

It is proposed that two small conservation style roof lights will be installed to the roof of the front elevation of No. 51. It is noted that the roof on the principal elevation of No. 53 already has two small roof lights present. The installation of the two small roof lights to the principal elevation of No. 51 will not affect the special interest of the listed building. Four conservation style roof lights will also be installed to the rear elevation of No. 51 and are also acceptable.

Windows

Historic Environment Scotland's Managing Change in the Historic Environment guidance note: *Windows* states that *subsidiary elevations are more suitable for the conversion of a window to a door. Wherever possible the width of the window shall be retained and the opening expanded downwards.*

An existing window on the principal elevation of the property will be converted into a door. However, this window has already been previously blocked up, as is mentioned in the listing for the building. Its conversion to a door will match that of the front entrance door that currently leads into No. 51. The width of the window will be retained and its opening expanded downwards. Overall, the conversion of the window to a door will limit the intervention required within the listed building itself and will not harm the special interest of the historic building. There are two windows in the principal elevation of No. 53 which also appear to have been blocked up. It is proposed that these windows be reinstated with frames to match that of the existing building.

Rear Extension

Historic Environment Scotland's guidance note *Managing Change in the Historic Environment: Extensions* states that must protect the character and appearance of the building, should be subordinate in scale and form, should be located in a secondary elevation and must be designed in a high quality manner using appropriate materials. It also notes that complimentary new work takes design cues from the profile, massing, bay rhythm, scale and proportion of the existing building but without replication of the details.

The Council's non- statutory Listed Building and Conservation Area guidance highlights that extensions should not normally exceed 50% of the width of any elevation.

LDP policy Des 12- (Alterations and Extensions) states that planning permission will be granted for alterations and extensions to existing buildings which in their design and form, choice of materials and positioning are compatible with the character of the existing building.

LDP policy Hou 4 states that the council will seek an appropriate density of development on each site having regard to the need to create an attractive environment and safeguard living conditions within the development.

The site benefits from a good level of public transport accessibility and higher housing densities can be appropriate in accordance with LDP policy Hou 4.

The existing buildings on the site are of fairly limited height comprising only two levels, a ground and first floor. They are therefore relatively low density. There are other modern flatted developments nearby which are three or four storeys in height and higher density. The extension creates additional housing on the site, increasing its density and making better use of the land whilst still being sensitive to the listed building.

The proposed extension will be located on a secondary elevation, to the rear of No. 51, and will be no higher than the ridge line of the existing property. The proposed extension will not cover more than 50% of the rear elevation of No. 51 and when both properties are seen together the extension is proportionate in comparison to the overall building.

The proposal will have a flat roofed design, its external walls will be finished in render to match that of the original building, while a modern zinc finish is also utilised. The proposal will also incorporate a rounded bay window similar to that on the original structure.

A sedum roof has been added to the extension as part of the revised proposals.

Overall the proposed extension will be subordinate in scale and form to the original building, will be located on a secondary elevation and designed in high quality and appropriate materials.

Setting of listed buildings and surrounding area

Historic Environment Scotland's Guidance Note on Managing Change in the Historic Environment: Setting states that *setting can be important to the way in which historic structures or places are understood, appreciated and experienced. It can often be integral to a historic asset's cultural significance.*

Setting often extends beyond the property boundary or 'curtilage' of an individual historic asset into a broader landscape context. Both tangible and less tangible elements can be important in understanding the setting. Less tangible elements may include function, sensory perceptions or the historical, artistic, literary and scenic associations of places or landscapes.

LDP policy Env 3 (Listed Buildings - Setting) states that development within the curtilage or affecting the setting of a listed building will be permitted only if not detrimental to the architectural character, appearance or historic interest of the building or to its setting.

LDP policy Des 4 - Impact on setting states that planning permission will be granted where it is demonstrated that it will have a positive impact upon its surroundings having regard to height and form, scale and proportion, position of buildings and materials and detailing.

The rear grounds of the site are currently fully utilised as a tarmac car parking area and are relatively secluded by other buildings, fencing and trees. The proposed extension will still enable a good proportion of the rear elevation of No. 51 to be read while not obscuring any of features to the rear of No. 53. The extension will only be two storeys in height and will be subordinate in terms of scale to the existing building. Its materials are modern but complementary to the listed structure. The formation of the extension will have no significant impact upon the setting of the listed buildings.

It is noted that the converted church to the south/east of the site is also B listed. This church is accessed through a pend and a courtyard which is screened by mature trees, shrubbery and a high wooden fence. Given the level of screening and the separation distance involved, approximately 9 metres, it will have no impact on the setting of the B listed converted church.

With reference to the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 the proposals preserve the listed building, adjacent listed buildings and their settings, including any special architectural or historic interest they possess

The proposal complies with LDP policy Des 1, Des 4, Des 12, Hou 4, Env 4, Env 3, the Non Statutory Listed Buildings and Conservation Areas guidance and Historic Environment Scotland's Managing Change in the Historic Environment guidance notes.

c) Neighbouring amenity

LDP policy Des 5 states that planning permission will be granted for development where the amenity of neighbouring developments is not adversely affected while LDP Policy Des 12 seeks alterations and extensions to existing buildings which would not be detrimental to the neighbourhood amenity.

The Edinburgh Design Guidance confirms that the pattern of development in an area will help to define appropriate distances between buildings and consequential privacy distances. This means that there may be higher expectations for separation in suburban areas than in historic areas such as the Old Town. In assessing this, the Council will look at each case individually and assess the practicalities of achieving privacy against the need for development.

There is a cluster of buildings within the area directly surrounding the proposed development site. These are largely the original buildings from the historic Slateford Village. Many of these properties have windows within close proximity of each other and do not meet modern window to window or boundary distances.

The front windows of the proposed properties will face out onto Lanark Road and the existing and proposed windows will not be any closer than the established window to window relationships. The windows to the rear of the existing building will also be utilised. Again the relationship between these windows is already established.

Whilst the rear windows of the proposed extension will be located closer to the mutual boundary, the rear of the site is heavily screened by long-established trees and shrubbery, some of which are owned by the applicant. The garden to the rear of the site is also substantial and the property (the ex manse house) which appears to own the gardens is located at an acute angle to the proposal. It is also noted that there will only be two windows which will be sited to the rear of the proposed extension. One of these windows will be at ground floor level and will be screened by the existing fence, trees and shrubbery. The other will be at first floor level and will permit light into the bedroom. This window will also be screened by the large amounts of trees and large shrubbery that are present in the neighbouring garden.

The proposed windows in the extension which will face to the west will overlook the car parking area of the site. The proposed bay windows will permit overlooking into the windows of some of the proposed apartments but this will be at an angle.

The windows of the proposed extension which will face to the east will be set back from the boundary of the site by approximately 2-3 metres. Two of the windows proposed will provide sunlight and daylight to a hall, which is not a habitable room, while another two of the proposed windows will be utilised for proposed bathrooms, again not habitable rooms.

The proposed extension is two storey in height and barely higher than the ridge line of the existing building. The properties directly surrounding the development are commercial in nature. As such, levels of sunlight and daylight to these buildings is not protected. However, the applicant has provided information that shows that the proposal meets the Vertical Sky Component (VSC) for the nearby converted church building and will only negatively impact upon one window in the commercial properties at No. 47-49.

The proposal will not materially impact upon the privacy of neighbouring properties nor impact upon the ability of adjacent buildings to be utilised for residential use in the future.

Environmental Protection was consulted as part of the assessment of the application. It confirmed that it had no objections.

The proposal complies with LDP policy Des 2, Des 5 and Des 12.

d) Amenity for future occupiers

LDP policy Hou 5 confirms that planning permission will be granted for the change of use of existing buildings in non residential use to housing provided a satisfactory residential environment can be achieved.

The proposed units will provide adequate levels of daylight for future occupants and views from the proposed properties will also be good overall.

The Edinburgh Design guidance establishes minimum floor space standards for new residential properties. These are 36 square metres for a studio property, 52 square metres for a one bedroom dwelling and 66 square metres for a two bedroom property.

The proposed apartments exceed these requirements and comply with the minimum floor space standards as established in the Edinburgh Design Guidance.

LDP policy Hou 3 states that planning permission will be granted for development that makes adequate provision for green space to meet the needs of future residents. According to LDP policy Hou 3, units without private garden ground should have 10 square metres per flat and a minimum of 20% of the total site should be useable greenspace.

The site currently has no green space provision as the properties are constructed right up to the pavement to the front of the site and the rear of the property is fully utilised as car parking provision. Green space is proposed around the rear extension, to the rear of the existing building and around the existing trees on the site. It is acknowledged that the green space proposed within the site, while welcome, shall still be quite limited and will not equate to 20% of the site total as advocated by LDP policy Hou 3. There are, however, a number of factors that justify the breach in this instance.

As has been discussed in section 3.3 b, the site benefits from a good level of public transport accessibility and higher housing densities can be appropriate in accordance with LDP policy Hou 4. The existing buildings on the site are of fairly limited height compared to other modern flatted developments nearby which are three or four storeys in height. Given the listed status of these buildings, the intervention proposed internally has been kept to minimum resulting in a restricted number of apartments within the original building that are quite capacious given the amount of bedrooms proposed.

The rear of the site, especially where the extension is proposed, is heavily screened by the large amounts of mature trees and large shrubbery on the border of the property. This means that this element of the rear of the site is quite overshadowed and relatively undesirable as an amenity space. It is also accepted that an element of space to the rear of the site must also be taken up by required cycle parking provision as well as access and refuse storage and it would be unreasonable to expect no parking given the rear area is currently utilised for parking.

It is also important to acknowledge that the site is in close walking distance to the Water of Leith walkway, the Union Canal and other high quality green amenity spaces.

All aspects considered, in this instance the breach in LDP policy Hou 3 is acceptable.

e) Road Safety, car and bike storage

LDP policy Tra 2- (Private Car Parking) states that planning permission will be granted for development where proposed car parking provision complies with and does not exceed the parking levels set out in Council Guidance.

LDP policy Tra 3 - (Private Cycle Parking) states that planning permission will be granted for development where the proposed cycle parking and storage facilities comply with the standards set out in Council guidance.

The Roads Authority was consulted as part of the assessment of the application. It has confirmed that it has no objections to the proposals subject to suitable informatives being added to the consent.

Adequate car and secure cycle parking has been accommodated within the site. The accesses remain as existing.

The proposal complies with LDP policy Tra 2 and Tra3.

(f) Flooding

LDP policy Env 21- flooding states that planning permission will not be granted for development that would increase the risk of flooding or be at risk of flooding itself.

A Surface Water Management Plan (SWMP) and Flood Risk Assessment (FRA) were both submitted as part of the application. Both the Councils Flood Prevention Department and the Scottish Environment Protection Agency have no objections to the proposal.

The proposal complies with LDP policy Env 21.

(g) Trees and ecology

LDP policy Env 12- trees states that development will not be permitted if likely to have a damaging impact upon a tree covered by a tree preservation order or worthy of merit.

LDP policy Env 16- species protection states that planning permission will not be granted for development which would have an adverse impact on a species protected by European or UK law.

A tree survey and arboriculture constraints report was submitted as part of the application. It confirms that six trees line the boundary of the car park to the south of the site. Three are within the car park area while others lie immediately beyond the site boundary within the adjacent garden to the south. It states that the five trees which grow along the southern boundary are all growing within a restricted location within a raised bed and their root systems are significantly restricted by the presence of stone walling and tarmac surfacing within the car park. The sixth tree is a self-seeded elm growing between a timber fence and a brick boundary wall at the rear easternmost corner of the building.

The site is not within a conservation area, nor are the trees within the site or nearby covered by a tree preservation order (TPO).

The report states that the dominant tree within the site is a mature copper beech. However, it states that it has structural and rooting defects that limits its safe life. The silver birch within the site has a similarly constrained root system and is likely to decay over the next 10-20 years. The report suggests that the small elm growing between the fence and wall is too close to the existing building and should be removed.

The report also suggests that the trees within the adjacent ground to the south are in reasonable condition. It is expected that they will also have restricted root systems due to the raised bank along the boundary and tarmac surfacing within the existing car park.

The report acknowledges that the proposed rear extension will encroach into the normal root protection area (RPA) of the large copper beech. However, this intrusion shall be limited to 3% and given this trees anticipated restrictions relative to its rooting it is considered that root growth will not extend into the footprint of the extension. No long term damage to the trees is anticipated.

The Council's Arboriculturalist has stated that they have concerns relating to the longer term impact the proposal may have individually and as a whole relating to amenity and safety due to the proposal being sited close to the existing trees.

The applicant has responded that they have carried out a shade analysis that shows that the trees will have a minimal impact upon the extension in terms of shade/overshadowing. It is further noted that the windows that will face onto the south elevation are limited to three. The applicant also states that the works will not structurally harm any of the trees on or around the site and would accept a condition on the consent to ensure that tree protection measures are carried out and a survey of the trees is carried out during and after construction has been completed.

It is also acknowledged that given that the trees are not covered by a TPO, nor are they sited within a conservation area, the applicant could remove all of the trees within their site without the requirement for planning permission. There is only one tree that is proposed to be removed and this is the small elm tree of limited value.

A stage 1 bat survey was provided with the application. The Council's ecologist was consulted and confirmed that the proposal would have no impact upon any protected species.

On balance the proposal overall complies with LDP policies Env 12 and Env 16.

h) Issues raised by objectors

Material Representations - Objections

- Not enough parking spaces on the site. This is addressed in section 3.3e.
- Concerns relating to access and egress to the site. This is addressed in section 3.3e.
- Impact upon sunlight/daylight levels and overshadowing - This is addressed in section 3.3c.
- Loss of privacy. This is addressed in section 3.3c.
- Design, scale and materials inappropriate. This is addressed in section 3.3b.

- Impact upon listed buildings, their setting and in particular the memorial hall. This is addressed in section 3.3b.
- Too many flats, residential accommodation being built in the area. This is addressed in section 3.3 a.
- Neighbour notification not carried out. Neighbour notification was carried out correctly.
- Impact upon local services. This is addressed in section 3.3 a.
- Disruption and noise - This is addressed in section 3.3 c.

Non Material Representations - Objections

- The hall should be for community use. Only the proposal submitted can be considered.
- Impact upon conservation area. The site is not within a conservation area.
- Disruption and noise during construction. This is not a material planning consideration.

It is recommended that this application be Granted subject to the details below.

3.4 Conditions/reasons/informatives

Conditions:-

1. No development shall take place on the site until the applicant has secured and implemented a programme of archaeological work (historic building survey, conservation, excavation, reporting and analysis and publication) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.
2. Prior to work finishing on site the applicant will be required to provide further details of the secure cycle parking facilities within the site for the written approval of the Council as Planning Authority. These approved cycle spaces will then be implemented prior to the occupation of the development hereby granted.
3. Prior to the commencement of construction works on site:-
 - a) A site survey (including intrusive investigation where necessary) must be carried out to establish, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development and

- b) Where necessary, a detailed schedule of any required remedial and or protective measures, including their programming, must be submitted to and approved in writing by the Planning Authority.
- ii) Any required remedial and or protective measures shall be implemented in accordance with the approved schedule and documentary evidence to certify those works shall be provided for the approval of the Planning Authority and completed prior to the development being occupied.
4. Prior to work commencing on site details of all external materials for the proposed extension shall be submitted for the written approval of the Council as Planning Authority.
 5. The trees on the site shall be protected during the construction period by the erection of fencing, in accordance with BS 5837:2012 Trees in relation to design, demolition and construction.
 6. If any of the existing windows in the buildings are found to be in need of refurbishment, full details of these works shall be submitted for the written approval of the Planning Authority prior to the refurbishment of the windows commencing.

Reasons:-

1. To protect any archeological interests within the site.
2. In order to provide adequate cycle parking.
3. In the interests of public safety.
4. In the interests of amenity
5. In order to protect the trees within and around the site.
6. In order to protect the special interest of the listed building.

Informatives

It should be noted that:-

1. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
2. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.

3. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.
4. In support of the Council's LTS Cars1 policy, the applicant should consider contributing the sum of £7,000 (£1,500 per order plus £5,500 per car) towards the provision of a car club vehicles in the area;
5. In accordance with the Council's LTS Travplan3 policy, the applicant should consider developing a Travel Plan including provision of pedal cycles (inc. electric cycles) public transport travel passes, a Welcome Pack, a high-quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities) timetables for local public transport;
6. The proposed development is below the threshold for disabled vehicle parking provision. However, the applicant should consider providing at least 1 disabled parking space for the development. All disabled persons parking places should comply with Disabled Persons Parking Places (Scotland) Act 2009. The Act places a duty on the local authority to promote proper use of parking places for disabled persons' vehicles. The applicant should therefore advise the Council if he wishes the bays to be enforced under this legislation. A contribution of £2,000 will be required to progress the necessary traffic order but this does not require to be included in any legal agreement. All disabled persons parking places must comply with Traffic Signs Regulations and General Directions 2016 regulations or British Standard 8300:2009 as approved.
7. The proposed development is below the threshold for electric vehicle charging point provision. However, the applicant should consider the provision of electric vehicle charging outlets including dedicated parking spaces with charging facilities and ducting and infrastructure to allow electric vehicles to be readily accommodated in the future.
8. Transport noise - The scheme will be designed in accordance with BS8233:2014 'Guidance on sound insulation and noise reduction for buildings - Code of Practice' to attain the following internal noise levels:-

Bedrooms - 30dB LAeq, T and 45dB LAfmax
Rooms - 35 dB LAeq, D

T - Night-time 8 hours between 2300 - 0700
D - Daytime 16 hours between 0700 - 2300
9. a) All mobile plant introduced onto the site shall comply with the emission limits for off road vehicles as specified by EC Directive 97/68/EC. All mobile plant shall be maintained to prevent or minimise the release of dark smoke from vehicle exhausts. Details of vehicle maintenance shall be recorded.

- b) The developer shall ensure that risk of dust annoyance from the operations is assessed throughout the working day, taking account of wind speed, direction, and surface moisture levels. The developer shall ensure that the level of dust suppression implemented on site is adequate for the prevailing conditions. The assessment shall be recorded as part of documented site management procedures.
 - c) Internal un-surfaced temporary roadways shall be sprayed with water at regular intervals as conditions require. The frequency of road spraying shall be recorded as part of documented site management procedures.
 - d) Surfaced roads and the public road during all ground works shall be kept clean and swept at regular intervals using a road sweeper as conditions require. The frequency of road sweeping shall be recorded as part of documented site management procedures.
 - e) All vehicles operating within the site on un-surfaced roads shall not exceed 15mph to minimise the re-suspension of dust.
 - f) Where dust from the operations are likely to cause significant adverse impacts at sensitive receptors, then the operation(s) shall be suspended until the dust emissions have been abated. The time and duration of suspension of working and the reason shall be recorded.
 - g) This dust management plan shall be reviewed monthly during the construction project and the outcome of the review shall be recorded as part of the documented site management procedures.
 - h) No bonfires shall be permitted.
10. Authorisation is required under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR) to carry out engineering works in or in the vicinity of inland surface waters (other than groundwater) or wetlands. Inland water means all standing or flowing water on the surface of the land (e.g. rivers, lochs, canals and reservoirs)
11. Management of surplus peat or soils may require an exemption under The Waste Management Licensing (Scotland) Regulations 2011. Proposed crushing or screening will require a permit under The Pollution Prevention and Control (Scotland) Regulations 2012. Consider if other environmental licences may be required for any installations or processes.
12. A Controlled Activities Regulations (CAR) construction site licence will be required for management of surface water run-off from a construction site, including access tracks, which:-
- is more than 4 hectares,
 - is in excess of 5km or
 - includes an area of more than 1 hectare or length of more than 500m on ground with a slope in excess of 25.

See SEPA's Sector Specific Guidance: Construction Sites (WAT-SG-75) for details. Site design may be affected by pollution prevention requirements and hence we strongly encourage the applicant to engage in pre-CAR application discussions with a member of the regulatory services team in your local SEPA office.

13. Below these thresholds you will need to comply with CAR General Binding Rule 10 which requires amongst other things, that all reasonable steps must be taken to ensure that the discharge does not result in pollution of the water environment. The detail of how this is achieved may be required through a planning condition.

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

5.1 Provided planning applications are determined in accordance with statutory legislation, the level of risk is low.

Equalities impact

6.1 The equalities impact has been assessed as follows:

The application has been assessed and has no impact in terms of equalities or human rights.

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

This application meets the sustainability requirements of the Edinburgh Design Guidance.

Consultation and engagement

8.1 Pre-Application Process

There is no pre-application process history.

8.2 Publicity summary of representations and Community Council comments

The application received 7 letters of objection and one letter of comment. Longstone Community Council objected as a statutory consultee on the application.

Background reading/external references

- To view details of the application go to
- [Planning and Building Standards online services](#)
- [Planning guidelines](#)
- [Conservation Area Character Appraisals](#)
- [Edinburgh Local Development Plan](#)
- [Scottish Planning Policy](#)

Statutory Development

Plan Provision

Date registered 30 April 2019

Drawing numbers/Scheme 1-10, 11b, 12d, 13d, 14c, 15a, 16b, 17a, 18b, 19, 20a,

Scheme 2

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Robert McIntosh, Planning Officer

E-mail: robert.mcintosh@edinburgh.gov.uk Tel: 0131 529 3422

Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

LDP Policy Des 1 (Design Quality and Context) sets general criteria for assessing design quality and requires an overall design concept to be demonstrated.

LDP Policy Des 4 (Development Design - Impact on Setting) sets criteria for assessing the impact of development design against its setting.

LDP Policy Des 5 (Development Design - Amenity) sets criteria for assessing amenity.

LDP Policy Des 12 (Alterations and Extensions) sets criteria for assessing alterations and extensions to existing buildings.

LDP Policy Env 4 (Listed Buildings - Alterations and Extensions) identifies the circumstances in which alterations and extensions to listed buildings will be permitted.

LDP Policy Env 16 (Species Protection) sets out species protection requirements for new development.

LDP Policy Env 12 (Trees) sets out tree protection requirements for new development.

LDP Policy Env 21 (Flood Protection) sets criteria for assessing the impact of development on flood protection.

LDP Policy Hou 1 (Housing Development) sets criteria for assessing the principle of housing proposals.

LDP Policy Hou 2 (Housing Mix) requires provision of a mix of house types and sizes in new housing developments to meet a range of housing needs.

LDP Policy Hou 3 (Private Green Space in Housing Development) sets out the requirements for the provision of private green space in housing development.

LDP Policy Hou 4 (Housing Density) sets out the factors to be taken into account in assessing density levels in new development.

LDP Policy Hou 5 (Conversion to Housing) sets out the criteria for change of use of existing buildings to housing.

LDP Policy Tra 2 (Private Car Parking) requires private car parking provision to comply with the parking levels set out in Council guidance, and sets criteria for assessing lower provision.

LDP Policy Tra 3 (Private Cycle Parking) requires cycle parking provision in accordance with standards set out in Council guidance.

LDP Policy Env 3 (Listed Buildings - Setting) identifies the circumstances in which development within the curtilage or affecting the setting of a listed building will be permitted.

Relevant Non-Statutory Guidelines

Non-Statutory guidelines Edinburgh Design Guidance supports development of the highest design quality and that integrates well with the existing city. It sets out the Council's expectations for the design of new development, including buildings, parking, streets and landscape, in Edinburgh.

Relevant Government Guidance on Historic Environment.

Managing Change in the Historic Environment: Use and Adaptation of Listed Buildings sets out Government guidance on the principles that apply to enable the use, the reuse and adaptation of listed buildings.

Managing Change in the Historic Environment: Extensions sets out Government guidance on the principles that apply to extending listed buildings.

Managing Change in the Historic Environment: Windows sets out Government guidance on the principles that apply to altering the windows of listed buildings.

Managing Change in the Historic Environment: Interiors sets out Government guidance on the principles that apply to alterations to the interiors of listed buildings.

Appendix 1

Application for Planning Permission 19/02084/FUL At 51 - 53 Lanark Road, Edinburgh, EH14 1TL Proposed conversion of 2 listed buildings into 6 apartments and erection of new build element comprising 2 apartments.

Consultations

COMMUNITIES AND FAMILIES

The Council's Supplementary Guidance on 'Developer Contributions and Infrastructure Delivery' states that no contribution towards education infrastructure is required from developments that are not expected to generate at least one additional primary school pupil.

Using the pupil generation rates set out in the Supplementary Guidance, the development of nine flats is not expected to generate at least one additional pupil. A contribution towards education infrastructure is therefore not required.

ARCHEOLOGIST

Further to your consultation request I would like to make the following comments and recommendations in respect to these linked FUL & LBC applications for the proposed conversion of 2 listed buildings into 6 apartments and erection of new build element comprising 3 apartments.

The site is located within historic village of Slateford which, as the name suggests, grew up around the historic ford across the Water of Leith at this point. Mills have existed on the Water of Leith at Slateford from probably the medieval period, with Slateford Waulk Mill first recorded in 1659. This 17th century mill stood to the south of the Union Canal Aqueduct. Occupation around such an important ford is likely to have occurred prior to the first reference to the settlement here in the mid-17th century (Stuart Harris Place Names of Edinburgh, 1996) with the road forming main medieval route between Edinburgh & Lanark. Little is accurately known about the pre-19th century layout of Slateford, though the 17th and 18th century maps suggest that its focus was split between the site of its mill (on Logie Green Road) and the eastern bank of Water of Leith.

By the mid-19th century settlement on the western bank had developed with a range of buildings shown on the 1st edition OS map including Slateford House (53 Lanark Road) and probably the ground floor of the linked Chalmers Memorial Hall. The C-listed hall was commissioned by David Chalmers's widow, Isabella Grace Grant Chalmers, for the purpose of carrying on home mission work in Slateford village in connection with Craiglockhart Parish Church. David Chalmers was possibly a local parish minister or a missionary, born 1820, died 1899. Slateford House dates to the 18th century with alterations occurring throughout its history.

Based on the archaeological and historical evidence this application must be considered under terms Scottish Government's Our Place in Time (OPIT), Scottish Planning Policy (SPP), Historic Environment Scotland's Policy Statement (HESPS) 2016 and Archaeology Strategy and CEC's Edinburgh Local Development Plan (2016) Policies ENV4, ENV8 & ENV9. The aim should be to preserve archaeological remains in situ as a first option, but alternatively where this is not possible, archaeological excavation or an appropriate level of recording may be an acceptable alternative.

Historic Buildings

The refurbishment and alteration will necessitate works which will significantly affect both the external and internal fabric of both these two listed buildings (Slateford House and Chalmers Memorial Hall). Of significant concern is the proposal to convert the existing Chalmers Hall into two separate units, an action which would have a adverse impact upon the character of this listed hall. That said, further to discussions with the architects the revised layout plans for the hall will have allow for more of the design to be understood whilst also being reversible at a later date. Therefore, on archaeological grounds this scheme although having significant impact on character is acceptable in this instance.

If permission/consent are granted, it is essential that a historic building survey (phased internal and external elevations and plans, photographic and written survey and analysis) is undertaken prior to and during development in order to provide a permanent record of this historic building and to record any historic fabric uncovered during these works.

Buried Archaeology

As stated this site occurs within the limits of the historic settlement of Slateford an area regarded as being of archaeological significance. The proposed development will require significant excavations in terms of construction of new apartments as well as other associated ground works. Accordingly, it is recommended that a programme of archaeological excavation is undertaken prior to demolition / development.

This will see a phased archaeological excavation. The initial phase will be an archaeological evaluation of the site proposed for the new apartments. The results of which would allow for the production of appropriate more detailed mitigation strategies to be drawn up to ensure the appropriate protection and/or full excavation, recording and analysis of any surviving archaeological remains affected.

Accordingly, it is essential that the following condition is attached to any permission/consent granted to ensure that undertaking of the above elements of archaeological work;

No development shall take place on the site until the applicant has secured and implemented a programme of archaeological work (historic building survey, conservation, excavation, reporting and analysis and publication) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.

The work must be carried out by a professional archaeological organisation, either working to a brief prepared by CECAS or through a written scheme of investigation submitted to and agreed by CECAS for the site. Responsibility for the execution and

resourcing of the programme of archaeological works and for the archiving and appropriate level of publication of the results lies with the applicant

ROADS AUTHORITY

No objections to the application subject to the following being included as conditions or informatives as appropriate:

- 1. The applicant will be required to provide a minimum of 18 cycle parking spaces in a secure and under cover location (15 spaces proposed) to the satisfaction of the Planning Authority;*
- 2. In support of the Council's LTS Cars1 policy, the applicant should consider contributing the sum of £7,000 (£1,500 per order plus £5,500 per car) towards the provision of a car club vehicles in the area;*
- 3. In accordance with the Council's LTS Travplan3 policy, the applicant should consider developing a Travel Plan including provision of pedal cycles (inc. electric cycles), public transport travel passes, a Welcome Pack, a high-quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities), timetables for local public transport;*
- 4. The proposed development is below the threshold for disabled vehicle parking provision. However, the applicant should consider providing at least 1 disabled parking space for the development. All disabled persons parking places should comply with Disabled Persons Parking Places (Scotland) Act 2009. The Act places a duty on the local authority to promote proper use of parking places for disabled persons' vehicles. The applicant should therefore advise the Council if he wishes the bays to be enforced under this legislation. A contribution of £2,000 will be required to progress the necessary traffic order but this does not require to be included in any legal agreement. All disabled persons parking places must comply with Traffic Signs Regulations and General Directions 2016 regulations or British Standard 8300:2009 as approved;*
- 5. The proposed development is below the threshold for electric vehicle charging point provision. However, the applicant should consider the provision of electric vehicle charging outlets including dedicated parking spaces with charging facilities and ducting and infrastructure to allow electric vehicles to be readily accommodated in the future.*

Note:

- o The proposed 5 car parking spaces are considered acceptable for the 9 flats;*
- o The proposed type of cycle parking does not appear to support the frame of a cycle.*

ENVIRONMENTAL PROTECTION

The applicant proposes converting two existing buildings into residential units with a new build element proposed to the rear. It is noted that the building being converted fronts onto the Lanark Road. There are retail units located to the north with an old church building located in the courtyard to the south east. This building is no longer used as a church and is used for storage and distribution. To the south there is open ground and the water of Leith with some existing residential uses located to the south and around to the west.

Transport noise from the rail line and road traffic will affect the north façade of the building being converted. Environmental Protection shall recommend a informative is attached to ensure the applicant is ware of the good standards that should be aimed for with regards reducing the transport noise. There are also other possible sources of noise from the courtyard area due to the public house and storage unit (old church building). There are other residential uses in the area therefore no further information is required regarding these uses.

Ground conditions relating to potential contaminants in, on or under the soil as affecting the site will require investigation and evaluation, in line with current technical guidance such that the site is (or can be made) suitable for its intended new use/s. Any remediation requirements require to be approved by the Planning & Building Standards service. The investigation, characterisation and remediation of land can normally be addressed through attachment of appropriate conditions to a planning consent (except where it is inappropriate to do so, for example where remediation of severe contamination might not be achievable)

The applicant is proposing a low level of parking which is positive. The applicant must be aware of the Edinburgh Design Standards that have been introduced which stipulates that 1 in 6 car parking spaces must have electric vehicle charging points serving them as a minimum. This proposal falls below this criterion although Environmental Protection recommend that 7Kw (type 2 sockets) charging provision be provided for at all space proposed. This is important as the proposal is near to an Air Quality Management Area. Technical information on chargers is detailed in the Edinburgh Design Standards - Technical Information Design Standards.

Due to the confined nature of the proposed development site and the nearby existing residential units it is recommend that construction dust mitigation impacts are addressed. Environmental Protection shall recommend an informative is attached to highlight this.

Environmental Protection offer no objections subject to the following conditions;

i) Prior to the commencement of construction works on site:

a) A site survey (including intrusive investigation where necessary) must be carried out to establish, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and

b) Where necessary, a detailed schedule of any required remedial and/or protective measures, including their programming, must be submitted to and approved in writing by the Planning Authority.

ii) Any required remedial and/or protective measures shall be implemented in accordance with the approved schedule and documentary evidence to certify those works shall be provided for the approval of the Planning Authority, and completed prior to the development being occupied.

Informative

1. *Transport noise - The scheme will be designed in accordance with BS8233:2014 Guidance on sound insulation and noise reduction for buildings - Code of Practice to attain the following internal noise levels:*

*Bedrooms - 30dB LAeq, T and 45dB LAfmax
Rooms - 35 dB LAeq, D*

*T - Night-time 8 hours between 2300 - 0700
D - Daytime 16 hours between 0700 - 2300*

2. *All residential parking spaces shall be served by a minimum 7Kw (32amp) Type 2 electric vehicle charging socket. This shall be installed and operational in full prior to the development being occupied.*

3. *Construction Mitigation*

a) *All mobile plant introduced onto the site shall comply with the emission limits for off road vehicles as specified by EC Directive 97/68/EC. All mobile plant shall be maintained to prevent or minimise the release of dark smoke from vehicle exhausts. Details of vehicle maintenance shall be recorded.*

b) *The developer shall ensure that risk of dust annoyance from the operations is assessed throughout the working day, taking account of wind speed, direction, and surface moisture levels. The developer shall ensure that the level of dust suppression implemented on site is adequate for the prevailing conditions. The assessment shall be recorded as part of documented site management procedures.*

c) *Internal un-surfaced temporary roadways shall be sprayed with water at regular intervals as conditions require. The frequency of road spraying shall be recorded as part of documented site management procedures.*

d) *Surfaced roads and the public road during all ground works shall be kept clean and swept at regular intervals using a road sweeper as conditions require. The frequency of road sweeping shall be recorded as part of documented site management procedures.*

e) *All vehicles operating within the site on un-surfaced roads shall not exceed 15mph to minimise the re-suspension of dust.*

f) *Where dust from the operations are likely to cause significant adverse impacts at sensitive receptors, then the operation(s) shall be suspended until the dust emissions have been abated. The time and duration of suspension of working and the reason shall be recorded.*

g) *This dust management plan shall be reviewed monthly during the construction project and the outcome of the review shall be recorded as part of the documented site management procedures.*

h) *No bonfires shall be permitted*

WASTE SERVICES

No response.

LONGSTONE COMMUNITY COUNCIL

Longstone Community Council strongly objects to this application, mainly because of the damage it will inflict on the Chalmers Memorial Hall. This hall is a listed building, both inside and out. Consequently fitting two stories of flats inside the hall destroys its value and makes it impossible to use as a community hall. LCC wants it put back into community use and preserved for posterity. We refer you to Historic Environment Scotland's description of the hall (LB51269).

We are aware that others object to the loss of daylight and are concerned over parking issues and we support them

FLOOD PLANNING

Thanks for sending this information through, this addresses Flood Prevention's comments. This can now proceed to determination

SEPA

We have no objection to this planning application. Please note the advice provided below.

1. Flood Risk

1.1 We have no objection to the proposed development on flood risk grounds. Notwithstanding this we would expect Edinburgh Council to undertake their responsibilities as the Flood Prevention Authority.

Technical Report

1.2 We have been asked to comment on a change of use from commercial to residential development adjacent to the Water of Leith. Two listed buildings will be converted into 6 apartments with an additional new build area comprising of 3 apartments. As a clear increase in vulnerability land-use type is identified, a Flood Risk Assessment (FRA) by Kaya Consulting has been supplied in support of the application.

1.3 A 1:200 year flow of 79.5m/s has previously been agreed between SEPA and Kaya Consulting for an adjacent site. The same flow has been used in this FRA.

1.4 Although the SEPA FRA checklist has noted a 30% increase in flows, the remainder of the FRA has applied a 40% increase in flows to account for potential future climate change.

We would note that a single Manning's 'n' value of 0.04 was applied to the model to represent the bed and banks. For floodplains, a value of 0.04 would represent mature field crops/cleared land with stumps, which does not appear to be representative of the

channel at this location. Therefore, the Manning's 'n' values would appear to be on the low side of what we would expect at this location. According to Table 3 of the FRA, the model is not sensitive to changes in Manning's 'n' values. The model is sensitive to increases in flows and cross-sections WOL_7353 and WOL_731A are also sensitive to bridge blockage.

1.6 The FRA notes that the downstream weir is in a poor state of repair.

1.7 We would note that Photo 4, taken adjacent to the site, has a boundary wall up to the banks of the river. This may cause backing up behind the structure during high flows.

1.8 There remains residual flood risk to the site as we cannot attach a probability to the occurrence of failure of the Union Canal. We would note that this can happen as witnessed in 2002 in the Fountainbridge area of Edinburgh. We have also not been supplied with modelled tabular output in the FRA, which is contrary to best practice. This information should be submitted as standard. We would also note that it is not clear whether LiDAR and the topographic survey were compared to determine LiDAR accuracy.

1.9 Ground levels are noted as being 63-64mAOD in the FRA, based on a topographic survey. The 1:200 year, including an allowance for climate change, modelled flood level is 60.82mAOD. Therefore, the site is over two metres above the predicted flood level. As existing buildings are to be converted and additional extension is proposed we understand that there will be no lowering of ground levels to enable development.

1.10 We would note that a detailed Water of Leith catchment study commissioned by Edinburgh Council is currently underway and the results should be available in due course. This may change our advice for this area in the future should additional information become available.

Caveats & Additional Information for Applicant

1.11 The SEPA Flood Maps have been produced following a consistent, nationally-applied methodology for catchment areas equal to or greater than 3km² using a Digital Terrain Model (DTM) to define river corridors and low-lying coastal land. The maps are indicative and designed to be used as a strategic tool to assess flood risk at the community level and to support planning policy and flood risk management in Scotland. For further information please visit <http://www.sepa.org.uk/environment/water/flooding/flood-maps/>

1.12 We refer the applicant to the document entitled: Technical Flood Risk Guidance for Stakeholders. This document provides generic requirements for undertaking Flood Risk Assessments and can be downloaded from <http://www.sepa.org.uk/environment/land/planning/guidance-and-advice-notes/>.

Please note that this document should be read in conjunction Policy 41 (Part 2).

Please note that we are reliant on the accuracy and completeness of any information supplied by the applicant in undertaking our review, and can take no responsibility for incorrect data or interpretation made by the authors.

1.14 The advice contained in this letter is supplied to you by SEPA in terms of Section 72 (1) of the Flood Risk Management (Scotland) Act 2009 on the basis of information held by SEPA as at the date hereof. It is intended as advice solely to Edinburgh Council as Planning Authority in terms of the said Section 72 (1). Our briefing note entitled: "Flood Risk Management (Scotland) Act 2009: Flood risk advice to planning authorities outlines the transitional changes to the basis of our advice in line with the phases of this legislation and can be downloaded from <http://www.sepa.org.uk/environment/land/planning/guidance-and-advice-notes/>.

Regulatory advice for the applicant

2. Regulatory requirements

2.1 Authorisation is required under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR) to carry out engineering works in or in the vicinity of inland surface waters (other than groundwater) or wetlands. Inland water means all standing or flowing water on the surface of the land (e.g. rivers, lochs, canals, reservoirs).

2.2 Management of surplus peat or soils may require an exemption under The Waste Management Licensing (Scotland) Regulations 2011. Proposed crushing or screening will require a permit under The Pollution Prevention and Control (Scotland) Regulations 2012. Consider if other environmental licences may be required for any installations or processes.

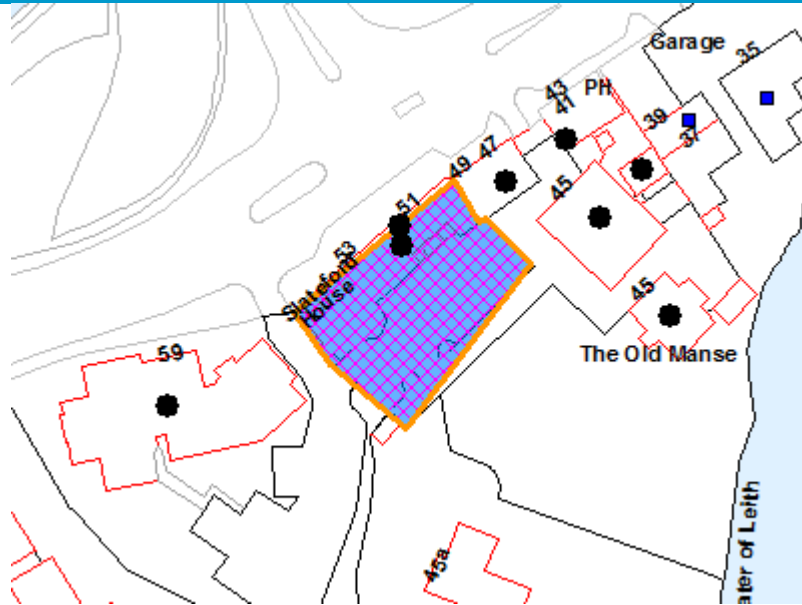
2.3 A Controlled Activities Regulations (CAR) construction site licence will be required for management of surface water run-off from a construction site, including access tracks, which:

- o is more than 4 hectares,
- o is in excess of 5km, or
- o includes an area of more than 1 hectare or length of more than 500m on ground with a slope in excess of 25

See SEPA's Sector Specific Guidance: Construction Sites (WAT-SG-75) for details. Site design may be affected by pollution prevention requirements and hence we strongly encourage the applicant to engage in pre-CAR application discussions with a member of the regulatory services team in your local SEPA office.

2.4 Below these thresholds you will need to comply with CAR General Binding Rule 10 which requires, amongst other things, that all reasonable steps must be taken to ensure that the discharge does not result in pollution of the water environment. The detail of how this is achieved may be required through a planning condition

Location Plan



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Development Management Sub Committee

Wednesday 19 February 2020

**Application for Listed Building Consent 19/02085/LBC
at 51 - 53 Lanark Road, Edinburgh, EH14 1TL.
New build element tied to the rear of the existing building
providing residential accommodation. The project is to be
comprised of 8 apartments in total, 6 conversion units
within the listed buildings and 2 units within the new build
element. Associated internal and external alterations.**

Item number

Report number

Wards

B09 - Fountainbridge/Craiglockhart

Summary

The proposals have special regard to the desirability of preserving the building and its setting and do not adversely affect any features of special architectural and historic interest.

Links

[Policies and guidance for this application](#)

LDPP, LEN04, NSG, NSLBCA, HES, HESEXT, HESINT, HESROF, HESUSE, HESWIN, LEN03,

Report

Application for Listed Building Consent 19/02085/LBC at 51 - 53 Lanark Road, Edinburgh, EH14 1TL. New build element tied to the rear of the existing building providing residential accommodation. The project is to be comprised of 8 apartments in total, 6 conversion units within the listed buildings and 2 units within the new-build element. Associated internal and external alterations.

Recommendations

1.1 It is recommended that this application be Granted subject to the details below.

Background

2.1 Site description

The application consists of a group of listed buildings which, along with those nearby, shaped the core of the historic Slateford Village.

The site now sits near a busy road junction where Lanark Road and Inglis Green Road meet.

No. 51 is a category C listed building, dating from 1901. (Listing date: December 2008, listing reference: LB 28196).

It is a two storey building with a wide 4-bay hall over ground floor shop premises with simple Renaissance detailing on the ground floor. The building is in white painted render with painted coursed stone at 1st floor and red sandstone cornice, skews and finials. There is a modern plate glass shop front inserted into the centre of the ground floor elevation. Some of the windows are currently blocked.

No. 53 is a category B listed building. (Listing date: December 1974, Listing reference: LB 51269) It is an 18th century classical style 2- storey harled house with a later addition to the south west gable.

The properties have been internally joined in the past and utilised as office accommodation with the rear of the property being used as a car park. There are mature trees within the rear car parking area while a large garden area to the south is heavily covered in a variety of trees and large shrubs.

Directly to the east of the site is No. 47-49 Lanark Road, a C listed building which is a 2 storey shop and tenement which was converted to offices in the 1970s.

To the south east is No. 45 Lanark Road, the former Slateford Church, which is now in use as commercial premises and directly to the south of the former church is No. 45 the former manse building. Both of these properties are part of a group B listing.

2.2 Site History

7 September 2005- Planning permission withdrawn for the conversion of existing offices to housing (as amended to omit new houses) (application number 05/01031/FUL)

7 September 2005- Listed Building Consent withdrawn for the conversion of existing offices to housing (as amended to omit new houses) (application number 05/01031/LBC)

Main report

3.1 Description of the Proposal

The application is for listed building consent for the conversion of two listed buildings into six apartments and the erection of a two storey new build element comprising two apartments.

To the principal elevation of the building, two small conservation style rooflights will be formed and an existing bricked up window will be turned into a new door. Two of the other bricked up windows will also be returned to windows.

To the rear of the building, four conservation style rooflights will be installed. A small existing outshot will be removed and a two storey flat roofed extension will be erected. The extension will be finished in a mixture of white render to match that on the existing building and zinc.

Within the property the existing hall/stairway will be altered and the existing great hall will be subdivided and a mezzanine level installed. Other internal alterations include the formation of kitchen units in certain rooms and the subdivision of smaller secondary areas.

Previous Scheme:- A three storey rear extension was proposed as well as more intensive subdivision of the great hall space.

3.2 Determining Issues

Section 14 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states - In considering whether to grant consent, special regard must be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. For the purposes of this issue, preserve, in relation to the building, means preserve it either in its existing state or subject only to such alterations or extensions as can be carried out without serious detriment to its character.

In determining applications for listed building consent, the Development Plan is not a statutory test. However the policies of the Local Development Plan (LDP) inform the assessment of the proposals and are a material consideration.

3.3 Assessment

To address these determining issues, the Committee needs to consider whether:

- (a) the proposals preserve the character and setting of the listed building;
- (b) representations raised have been addressed

a) Character and Setting of the Listed Building

Section 59 (1) of the Planning (Listed Building and Conservation Areas)(Scotland) Act 1997 states:-

"In considering whether to grant planning permission for development which affects a listed building or its setting, a planning authority or the Secretary of State, as the case may be, shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

LDP Policy Env 4 (Listed Buildings - Alterations and Extensions) states that proposals to alter a listed building will be permitted where those alterations are justified; will not result in unnecessary damage to historic structures or result in a diminution of the buildings interest; and any additions would be in keeping with other parts of the building.

Use and adaptation

Historic Environment Scotland's (HES) Managing Change in the Historic Environment guidance note on the use and adaptability of listed buildings is applicable. It states that *for a building to remain in use over the long term, change will be necessary. This reflects changes over time in how we use our buildings and what we expect from them. The listed buildings in Scotland reflect a wide range of our history and culture, they contribute to our well- being culturally, socially and economically. We can't have these benefits without caring for these buildings. We need to make sure they have a long term future if we want to benefit from them in the long term*

A building's long-term future is at risk when it becomes hard to alter and adapt it when needed. Proposals that keep buildings in use, or bring them back into use, should be supported as long as they do the least possible harm. Once a building is empty or underused its long term future is immediately at risk

The properties have been previously utilised as offices. However, one of the properties has been vacant for over a year and the building as a whole has been up for sale since October 2018. A suitable use for the property must now be found if its future is to be guaranteed.

Historic Environment Scotland's guidance note on the use and adaptability of listed buildings explains that the process of converting a building will have some impact on a building's special interest, regardless of how well it is handled.

Interior

Historic Environment Scotland's Guidance Note on Managing Change in the Historic Environment: Interiors states that *The 'plan form' is the arrangement and division of internal spaces into rooms and circulation spaces such as halls, stairs and corridors, and is a key component of the character and special interest of any building. The interrelationship of rooms and circulation space is a reflection of the building's design, function, status and period. Where rooms are arranged to create particular spatial effects or views, the position of features such as doors, windows, fireplaces and cupboards can be significant.*

Alteration to a historic building should protect its character. In general, the principal spaces in a building are more sensitive to change as these are the spaces that normally make the most significant contribution to its character

The Council's Listed Buildings and Conservation Area guidance (LBCA) states *the original plan form of a building should always be respected. All major works of alteration should be limited to areas of secondary importance. There will be a particular requirement not to sub-divide, either vertically or horizontally, principal rooms and entrance/stair halls. Where the interior is of particular architectural or historical importance, subdivision will not be permitted. The degree of change to the plan form which may be acceptable will normally be dependent on previous alterations and use.*

This building has previously been subject to quite a high degree of intervention presumably when the property was converted into office accommodation, although much of the original plan form remains.

Historic Environment Scotland (HES) were consulted as part of the assessment of the application. They have confirmed that their involvement was restricted to No. 53, which is category B listed, whilst No. 51 is category C listed. They had no objections to the proposal, however they did make some recommendations. They suggested that the entrance stairs should not be subdivided, however, whilst on site visit it was apparent that this stair has already been subject to insensitive intervention in the past and the subdivision shall not materially harm the special interest of the building overall. HES also recommended that the proposed kitchen to be installed within the main room on the ground floor of No. 53 be restricted to the rear wall of the room. This room is large and does not benefit from a fireplace. The proposed kitchen units will not obscure any features of architectural merit and given the quite substantial size of the room will not over-dominate it.

The proposed alterations to the first floor of No. 53 are also fairly limited, involving the subdivision of one office room to the rear of the property and the formation of a kitchen to another small office room. Much of the existing floor plan will be retained and the features of special interest will remain.

The ground floor of No. 51 is of limited architectural merit and is divided as it contains a modern shop unit which is not within the application site.

The great (former Chalmers Memorial) hall on the 1st floor of No. 51, is of interest and remains relatively untouched. The proposal is to subdivide this room into two and to install a mezzanine level within the roof space.

The Council's archaeologist was consulted as part of the assessment of the application. The original design for this room was then altered after concerns were raised in terms of its impact upon the great hall. The proposed subdividing wall shall now be constructed away from the windows and the upper floor will be located above the original windows to the property, while the mezzanine floor will be set back from the walls enabling more of the hall's design and ornate wooden beams to be understood.

The proposal is a good compromise between providing adequate internal floor space within the proposal, utilising the building's size and height, and yet still preserving significant features of the historic hall.

Roof

Historic Environment Scotland's Managing Change in the Historic Environment guidance note: Roofs states that *the addition of new features to principal or prominent roof slopes should generally be avoided. New dormers and roof lights should be appropriately designed and located with care.*

The Council's Listed Buildings and Conservation Area guidance (LBCA) states that roof lights are almost always the preferred solution instead of dormers, but these will not generally be permitted on roof slopes which are largely unaltered. Where acceptable, roof lights should be of conservation type and should be of an appropriate scale and proportion. The proposed number of roof lights will also be a deciding factor.

It is proposed that two small conservation style roof lights will be installed to the roof of the front elevation of No. 51. It is noted that the roof on the principal elevation of No. 53 already has two small roof lights present. The installation of the two small roof lights to the principal elevation of No. 51 will not materially affect the special interest of the listed building. Four conservation style roof lights will also be installed to the rear elevation of No. 51 and are also acceptable.

Windows

Historic Environment Scotland's Managing Change in the Historic Environment guidance note: Windows states that subsidiary elevations are more suitable for the conversion of a window to a door. Where ever possible the width of the window shall be retained and the opening expanded downwards.

An existing window on the principal elevation of the property will be converted into a door. However, this window has already been previously blocked up, as is mentioned in the listing for the building. Its conversion to a door will match that of the front entrance door that currently leads into No. 51. The width of the window will be retained and its opening expanded downwards. Overall, the conversion of the window to a door will limit the intervention required within the listed building itself and will not harm the special interest of the historic building. There are two windows in the principal elevation of No. 53 which also appear to have been blocked up. It is proposed that these windows be reinstated with frames to match that of the existing building.

Rear Extension

Historic Environment Scotland's guidance note Managing Change in the Historic Environment: Extensions states that *extensions must protect the character and appearance of the building, should be subordinate in scale and form, should be located in a secondary elevation and must be designed in a high quality manner using appropriate materials. It also notes that complimentary new work takes design cues from the profile, massing, bay rhythm, scale and proportion of the existing building but without replication of the details.*

The Council's non- statutory Listed Building and Conservation Area guidance highlights that extensions should not normally exceed 50% of the width of any elevation.

The proposed extension will be located on a secondary elevation, to the rear of No. 51, and will be no higher than the ridge line of the existing property. The proposed extension will not cover more than 50% of the rear elevation of No. 51 and when both properties are seen together the extension is proportionate in comparison to the overall building.

The proposal will have a flat roofed design, its external walls shall be finished in render to match that of the original building, while a modern zinc finish is also utilised. The proposal will also incorporate a rounded bay window similar to that on the original structure.

Overall the proposed extension will be subordinate in scale and form to the original building, will be located to a secondary elevation and designed in high quality and appropriate materials.

Setting of listed buildings

Historic Environment Scotland's Guidance Note on Managing Change in the Historic Environment: Setting states that *setting can be important to the way in which historic structures or places are understood, appreciated and experienced. It can often be integral to a historic asset's cultural significance.*

Setting often extends beyond the property boundary or 'curtilage' of an individual historic asset into a broader landscape context. Both tangible and less tangible elements can be important in understanding the setting. Less tangible elements may include function, sensory perceptions or the historical, artistic, literary and scenic associations of places or landscapes.

LDP policy Env 3 (Listed Buildings - Setting) states that development within the curtilage or affecting the setting of a listed building will be permitted only if not detrimental to the architectural character, appearance or historic interest of the building or to its setting.

The rear grounds of the site are currently fully utilised as a tarmac car parking area and are relatively secluded by other buildings, fencing and trees. The proposed extension will still enable a good proportion of the rear elevation of No.51 to be read while not obscuring any of features to the rear of No.53. The extension will only be two storey in height and will be subordinate in terms of scale to the existing building. Its materials are modern but complementary of the listed structure. The formation of the extension will have no significant impact upon the setting of the listed buildings.

With reference to the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 the proposals preserve the listed building, adjacent listed buildings and their settings, including any special architectural or historic interest they possess

The proposal complies with LDP policy Env 4, Env 3, the Non Statutory Listed Buildings and Conservation Areas guidance and Historic Environment Scotland's Managing Change in the Historic Environment guidance notes.

b) Issues raised by objectors

Material Representations - Objections

- The great hall should not be subdivided this would damage its special interest, it should be retained as a single unit. This is addressed in section 3.3a.

Material Representations - Comment

- The conversion to residential would provide a secure long term use for the buildings.
- Much of the proposed conversion works creatively with the internal spaces.
- No objection to the proposed extension to the rear of the property.

Non Material Representations - Objections

- The hall could not be used as a community hall if subdivided. This is not a listed building consent consideration.

It is recommended that this application be Granted subject to the details below.

3.4 Conditions/reasons/informatives

1. Prior to any work commencing on site details of the proposed external materials to be utilised shall be submitted for the written approval of the Council as Planning Authority.
2. No works shall be carried out to the existing windows without the prior written approval of the Planning Authority.

Reasons:-

1. To protect the special interest of the listed building
2. In order to protect the special interest of the listed building.

Informatives

It should be noted that:

1. The works hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

5.1 Provided planning applications are determined in accordance with statutory legislation, the level of risk is low.

Equalities impact

6.1 The equalities impact has been assessed as follows:

The application has been assessed and has no impact in terms of equalities or human rights.

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

This application meets the sustainability requirements of the Edinburgh Design Guidance.

Consultation and engagement

8.1 Pre-Application Process

There is no pre-application process history.

8.2 Publicity summary of representations and Community Council comments

The application received two objection comments, one of which also included positive comments. The issues raised are addressed in section 3.3b of this report.

Background reading/external references

- To view details of the application go to
- [Planning and Building Standards online services](#)
- [Planning guidelines](#)
- [Conservation Area Character Appraisals](#)
- [Edinburgh Local Development Plan](#)
- [Scottish Planning Policy](#)

Statutory Development

Plan Provision

Date registered 30 April 2019

Drawing numbers/Scheme 1-10, 11b, 12d,13d,14c,15a,16b,17a,18b,19,20a,

Scheme 2

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Robert McIntosh, Planning Officer

E-mail:robert.mcintosh@edinburgh.gov.uk Tel: 0131 529 3422

Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

LDP Policy Env 4 (Listed Buildings - Alterations and Extensions) identifies the circumstances in which alterations and extensions to listed buildings will be permitted.

Relevant Non-Statutory Guidelines

Non-statutory guidelines 'LISTED BUILDINGS AND CONSERVATION AREAS' provides guidance on repairing, altering or extending listed buildings and unlisted buildings in conservation areas.

Relevant Government Guidance on Historic Environment.

Managing Change in the Historic Environment: Extensions sets out Government guidance on the principles that apply to extending listed buildings.

Managing Change in the Historic Environment: Interiors sets out Government guidance on the principles that apply to alterations to the interiors of listed buildings.

Managing Change in the Historic Environment: Roofs sets out Government guidance on the principles that apply to altering the roofs of listed buildings.

Managing Change in the Historic Environment: Use and Adaptation of Listed Buildings sets out Government guidance on the principles that apply to enable the use, the reuse and adaptation of listed buildings.

Managing Change in the Historic Environment: Windows sets out Government guidance on the principles that apply to altering the windows of listed buildings.

LDP Policy Env 3 (Listed Buildings - Setting) identifies the circumstances in which development within the curtilage or affecting the setting of a listed building will be permitted.

Appendix 1

Application for Listed Building Consent 19/02085/LBC at 51 - 53 Lanark Road, Edinburgh, EH14 1TL.

New build element tied to the rear of the existing building providing residential accommodation. The project is to be comprised of 8 apartments in total, 6 conversion units within the listed buildings and 2 units within the new-build element. Associated internal and external alterations.

Consultations

Historic Environment Scotland

No. 53 Lanark Road is a distinctive, 18th century Classical style 2-storey harled house with a later addition to the south west gable. Proposals to alter a listed building must be informed by, and respond to an understanding of the building's special architectural interest, and preserve or enhance its character and appearance.

The significance of a listed building's interior, or part of its interior, is usually derived from a number of factors, including the degree to which an interior remains intact from key periods in its history. The plan form, that is the arrangement and division of internal spaces into rooms and circulation spaces such as halls and corridors is a key component of the character and special interest of any building. Historic features such as doors, windows, fireplaces, cupboards and decorative plasterwork also make a significant contribution to the building's special interest.

The listed building retains much of its original plan form, including a series of bow ended rooms and a reception hallway with curved stone staircase and cast-iron balusters. Interior features include historic chimneypieces, 6-panel timber doors and timber panel shutters to the windows. Much of the original decorative plasterwork has been retained including, on the first floor a particularly fine coffered ceiling. This room has a tripartite window flanked by pilasters with Corinthian capitals and a lintol-piece incorporating Classical swag motifs.

The proposals would see the house, along with adjoining category C listed Former Chalmers Memorial Hall converted to residential use. For the avoidance of doubt, our comments relate only to the proposals that would impact on category B listed No. 53 Lanark Road. Our assessment of the proposals is set out below:

Entrance hallway

The proposals for No. 53 would see the subdivision of the entrance hallway resulting in the loss of the historic stair's balusters and would, in our view diminish the character and appearance of the original entrance hallway. We would ask that further consideration be given to the form of subdivision of the house to enable character of this distinctive space to be retained.

Flat 2, kitchen/living room

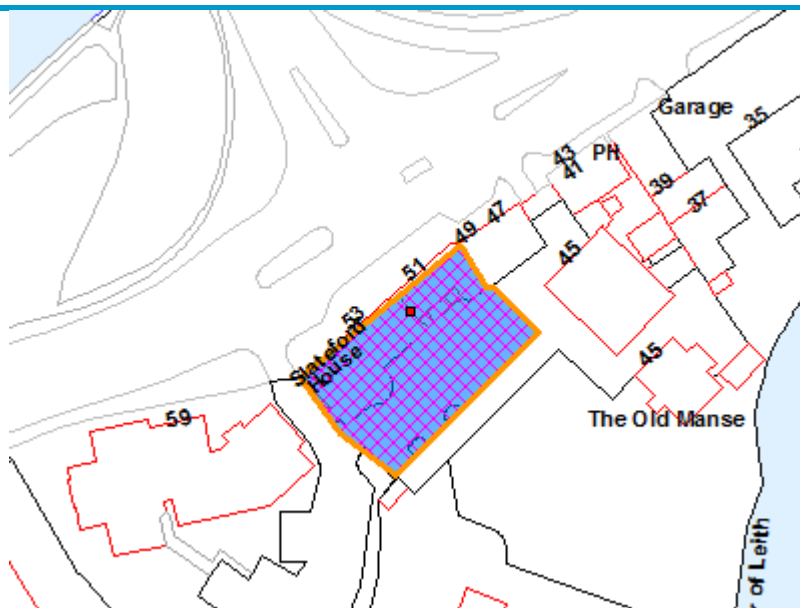
The proposed conversion of the large, bow ended ground floor room to form a kitchen/living room would see the kitchen extending along almost to the centre of the fireplace wall. Although there is currently no chimneypiece in this large, formal room we would suggest that restricting the kitchen to the rear wall and inserting a chimneypiece in the location of the existing, blocked but vented flue, could enhance the character and appearance of this room.

Proposed external door

The plans indicate that a blocked original ground floor window opening on the Lanark Road elevation would be converted to form a new external doorway. There is no detail provided of this proposal. There is a presumption in favour of retaining a fenestration pattern that contributes to a listed building's special interest. In this instance the blocked window, which retains its decorative stone margins, forms part of a symmetrical composition on the north elevation. We would therefore ask that this element of the scheme be given further consideration.

As there is no detail of this proposal, we are therefore unable to fully assess the potential impact of this element of the scheme on the building's special interest.

Location Plan



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Development Management Sub Committee

Wednesday 19 February 2020

**Application for Planning Permission 19/05660/FUL
at 238B 1 And 2 Leith Walk, Edinburgh.
Change of Use from 2 (two) dwellings to 2 (two) Short term
let properties.**

Item number

Report number

Wards

B12 - Leith Walk

Summary

A change of use to short-term commercial visitor accommodation is acceptable in principle in this location and will not result in an unreasonable loss of amenity for neighbouring residential properties. No external alterations are proposed and the change of use will not have any material impact on the special character of the listed building or on the setting of the conservation area. The proposal complies with the Local Development Plan and the Council's Non-statutory Guidance and there are no material considerations that outweigh this conclusion.

Links

[Policies and guidance for this application](#)

LDPP, LEN04, LEN06, LHOU07, LTRA02, LTRA03, NSG, NSBUS, NSLBCA, NSHOU, CRPLEI,

Report

Application for Planning Permission 19/05660/FUL at 238B 1 And 2 Leith Walk, Edinburgh. Change of Use from 2 (two) dwellings to 2 (two) Short term let properties.

Recommendations

1.1 It is recommended that this application be Granted subject to the details below.

Background

2.1 Site description

The building is a single-storey, brick built, flat roof rear extension to a four-storey tenement. It is Category B listed (LB27712 / Date Added: 19 December 1979). The site is composed of two dwellings, with footprints of 60sqm and 90sqm. Both units have a bedroom, bathroom and open plan kitchen and living room. There is no curtilage space or off-street car parking provision.

The surrounding area is composed predominantly of tenements except for a storage yard to the southwest and commercial premises occupying the ground floors of Leith Walk. A pedestrian link to Leith Walk is provided by a pend and the site has vehicular access to New Orchardfield.

The parent tenement, but not the site, is located within the Leith Conservation Area and Leith Walk Town Centre.

2.2 Site History

16 March 2010 - Listed building consent granted for the alteration of a store to form two flatted dwellings, re-instate two roof lights, form windows in north-west and south-west walls, alter existing openings in north-east wall to form common entrance and new windows (application reference: 10/00131/LBC)

11 October 2010 - Planning permission granted for the change of use of a store to form two flatted dwellings, re-instate two roof lights, form windows in north-west and south-west walls, alter existing openings in north-east wall to form common entrance and new windows (application reference: 10/00130/FUL)

Main report

3.1 Description of the Proposal

The application proposes the change of use of two dwellings to short-term commercial visitor accommodation (SCVA). No external alterations are proposed.

A supporting statement was provided and its contents have been summarised below. It is available to view on the City of Edinburgh Council Planning and Building Standards Online Portal.

- The SCVA would be offered through property agents;
- The maximum number of visitors would be restricted to two and four for the smaller and larger units respectively; and
- The appointed agents would be instructed to follow the 'Best Practice for Short Term Lets' issued by the City of Edinburgh Council.

3.2 Determining Issues

Section 25 of the Town and Country Planning (Scotland) Act 1997 states - Where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.

Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states that in considering whether to grant planning permission for development which affects a listed building or its setting, a planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states - special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the conservation area or its setting.

Do the proposals comply with the development plan?

If the proposals do comply with the development plan, are there any compelling reasons for not approving them?

If the proposals do not comply with the development plan, are there any compelling reasons for approving them?

3.3 Assessment

To address these determining issues, the Committee needs to consider whether:

- a) the proposal is acceptable in principle;
- b) it will have a materially detrimental effect on the living conditions of nearby residents;
- c) it raises any issues in respect of car and cycle parking and road safety;
- d) it has special regard to the desirability of preserving the listed building, its setting or any features of special architectural or historic interest;

- e) it preserves or enhances the special character or appearance of the conservation area or its setting and
- f) the report has addressed all material considerations raised by timeously received letters of representation.

a) Principle of the Proposal

Local Development Plan (LDP) Policy Hou 7 (Inappropriate Uses in Residential Areas), seeks to preclude the introduction or intensification of non-residential uses in predominantly residential areas and prevent the further deterioration of living conditions in mixed use areas with important residential functions. The non-statutory Guidance for Businesses states that an assessment of a change of use of dwellings to SCVA will have regard to:

- The character of the new use and of the wider area;
- The size of the property;
- The pattern of activity associated with the use including numbers of occupants, the period of use, issues of noise, disturbance and parking demand; and
- The nature and character of any services provided.

The site is bounded by the New Orchardfield housing development to the northeast and northwest and overlooked by flats within tenements that are accessed from Leith Walk. A pend connects the site to Leith Walk which is a major arterial route and occupied by a mix of commercial, entertainment and light industrial premises.

The site is self-contained, in that its single northeast elevation entrance is not shared with any other residential properties. Each dwelling is composed of a single bedroom and separate living room, the latter of which could, in principle, be used as supplementary overnight accommodation. This small scale would restrict usage by an excessive number of visitors and means that the units will retain a comparable occupation level to neighbouring residential properties. SCVA of this size will not materially intensify demand on local services.

The proposal, given its proximity to Leith Walk, its access arrangements and restrictive small scale, is acceptable in principle and complies with LDP Policy Hou 7 and the non-statutory Guidance for Businesses.

b) Impact on Residential Amenity

LDP Policy Hou 7 (Inappropriate Uses in Residential Areas), also restricts developments, including changes of use, which would have a materially detrimental effect on the living conditions of nearby residents.

The site shares a wall with a storage yard to the southwest and a beauty salon and tattoo parlour to the southeast. It is not directly connected to any flats nor is its single main door access shared with any residential properties. The access into both units opens into the pend which serves as a pedestrian link between Leith Walk and the New Orchardfield housing development. The potential level of occupancy will be similar to neighbouring residential uses.

Environmental Protection was consulted on the application and considered that there should be minimal noise issues as the proposal is accessed via a private door and is located within a self-contained, single storey unit with no residential properties above, below or adjacent.

Given the relatively varied land uses within the immediate vicinity of the site, the level of amenity enjoyed currently by residents is less than that which would be experienced by persons living in a wholly residential area. The presence of a storage yard and other potentially intrusive uses found on Leith Walk give the locality a distinct character. In conjunction with the self-contained nature of the site, the introduction of two, small-scale SCVA units within this area would not result in an unacceptable impact on existing levels of residential amenity.

The proposal will not have a materially detrimental effect on the living conditions of nearby residents and complies with LDP Policy Hou 7.

c) Parking and Road Safety

LDP Policy Tra 2, Private Car Parking, and LDP Policy Tra 3, Private Cycle Parking, state that planning permission will be granted for development where proposed car and cycle parking provision complies with and does not exceed the parking levels set out in the Non-statutory Edinburgh Design Guidance.

The guidance does not define car or cycle parking standards for SCVA. The site has no dedicated off-street car parking, nor would the creation of a suitable provision be feasible. However, the site has a direct connection to Leith Walk, which is well served by bus, and given the nature of the use, it is likely that the majority of visitors shall arrive by public transport. Sufficient internal space for cycle storage is available.

The provision of no private car parking is acceptable in this location for a development of this nature and the proposal complies with LDP Policy Tra 2 and LDP Policy Tra 3.

d) Impact on the Listed Building

Section 59 (1) of the Planning (Listed Building and Conservation Areas)(Scotland) Act 1997 states:-

"In considering whether to grant planning permission for development which affects a listed building or its setting, a planning authority or the Secretary of State, as the case may be, shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

LDP Policy Env 4, Listed Buildings - Alterations and Extensions, permits alterations to listed buildings when they are justified, in keeping with its character and can be undertaken without damage to historic structures or diminution of interest.

No external alterations are proposed and the change of use will not have any material impact on the special character and appearance of the listed building. The proposal complies with LDP Policy Env 4.

e) Impact on the Conservation Area

LDP Policy Env 6, Conservation Areas - Development, permits development affecting the setting of a conservation area where it preserves or enhances its special character and appearance.

No external alterations are proposed and the change of use will not have any material impact on the setting of the conservation area. The proposal complies with LDP Policy Env 6.

f) Letters of Representation

No letters of representation were received.

3.3.1 Conclusion

A change of use to SCVA is acceptable in principle in this location and will not result in an unreasonable loss of amenity for neighbouring residential properties. No external alterations are proposed and the change of use will not have any material impact on the special character of the listed building or on the setting of the conservation area. The proposal complies with the Local Development Plan and the Council's non-statutory Guidance and there are no material considerations that outweigh this conclusion.

It is recommended that this application be Granted subject to the details below.

3.4 Conditions/reasons/informatives

Conditions

1. No conditions are attached to this consent.

Informatives

It should be noted that:

1. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
2. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.
3. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.

4. This consent is for planning permission only. Work must not begin until other necessary consents, eg listed building consent, have been obtained.
5. Planning permission does not affect the legal rights of any other parties with an interest in the building nor does it confer the right to carry out works without appropriate authority.

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

5.1 Provided planning applications are determined in accordance with statutory legislation, the level of risk is low.

Equalities impact

6.1 The equalities impact has been assessed as follows:

The application has been assessed and has no impact in terms of equalities or human rights.

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

This application is not subject to the sustainability requirements of the Edinburgh Design Guidance.

Consultation and engagement

8.1 Pre-Application Process

There is no pre-application process history.

8.2 Publicity summary of representations and Community Council comments

No representations have been received.

Background reading/external references

- To view details of the application go to
- [Planning and Building Standards online services](#)
- [Planning guidelines](#)
- [Conservation Area Character Appraisals](#)
- [Edinburgh Local Development Plan](#)
- [Scottish Planning Policy](#)

Statutory Development

Plan Provision

The site is located within the Urban Area as identified by the Edinburgh Local Development Plan.

Date registered

28 November 2019

Drawing numbers/Scheme

01,

Scheme 1

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Graham Fraser, Assistant Planning Officer

E-mail: graham.fraser@edinburgh.gov.uk Tel: 0131 469 3811

Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

LDP Policy Env 4 (Listed Buildings - Alterations and Extensions) identifies the circumstances in which alterations and extensions to listed buildings will be permitted.

LDP Policy Env 6 (Conservation Areas - Development) sets out criteria for assessing development in a conservation area.

LDP Policy Hou 7 (Inappropriate Uses in Residential Areas) establishes a presumption against development which would have an unacceptable effect on the living conditions of nearby residents.

LDP Policy Tra 2 (Private Car Parking) requires private car parking provision to comply with the parking levels set out in Council guidance, and sets criteria for assessing lower provision.

LDP Policy Tra 3 (Private Cycle Parking) requires cycle parking provision in accordance with standards set out in Council guidance.

Relevant Non-Statutory Guidelines

Non-statutory guidelines 'GUIDANCE FOR BUSINESSES' provides guidance for proposals likely to be made on behalf of businesses. It includes food and drink uses, conversion to residential use, changing housing to commercial uses, altering shopfronts and signage and advertisements.

Non-statutory guidelines 'LISTED BUILDINGS AND CONSERVATION AREAS' provides guidance on repairing, altering or extending listed buildings and unlisted buildings in conservation areas.

Non-statutory guidelines 'GUIDANCE FOR HOUSEHOLDERS' provides guidance for proposals to alter or extend houses or flats.

The Leith Conservation Area Character Appraisal emphasises the areas unique and complex architectural character, the concentration of buildings of significant historic and architectural quality, the unifying effect of traditional materials, the multiplicity of land use activities, and the importance of the Water of Leith and Leith Links for their natural heritage, open space and recreational value

Appendix 1

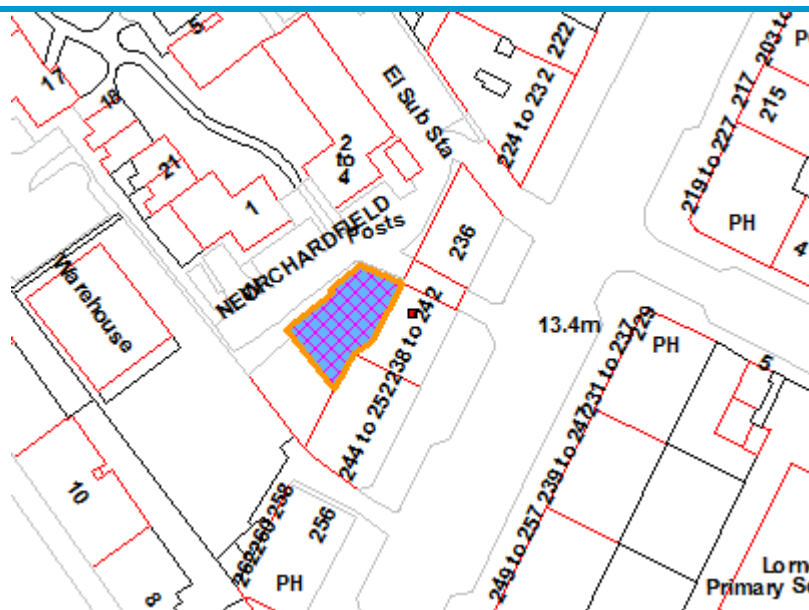
**Application for Planning Permission 19/05660/FUL
at 238B 1 And 2 Leith Walk, Edinburgh.
Change of Use from 2 (two) dwellings to 2 (two) Short term
let properties.**

Consultations

Environmental Protection (20 December 2019) - No Objection

The dwellings are accessed via a private door and are located in a self-contained single storey unit with no residential properties above, below or adjacent. Due to the layout and access and egress arrangements, there should be minimal noise amenity issues and Environmental Protection do not object to the development.

Location Plan



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Development Management Sub Committee

Wednesday 19 February 2020

**Application for Planning Permission 19/02418/FUL
at Farmhouse A, North Milton, Milton Farm Road
Development of existing farm steading building with
extension to form worship hall, associated access, car
parking and landscaping.**

Item number

Report number

Wards

B01 - Almond

Summary

The proposal complies with the adopted Edinburgh Local Development Plan policies Env 10, Env 12, Env 16, Env 21, Des 5, Des 12 and Tra 3 and there are benefits in bringing a new use to derelict buildings on the site and creating a development which enhances the rural character and landscape quality of the Green Belt. However, there is non-compliance with parking standards and town centre first objectives and the proposals do not comply with policies Tra 2 and Ret 1.

The applicant has provided sufficient information to justify this breach of policies Tra 2 and Ret 1. A number of alternative sites have been investigated and the traffic impacts of this development are acceptable. On this basis, the proposals are deemed to be acceptable.

Links

[Policies and guidance for this application](#)

LDPP, LDES01, LDES04, LDES05, LDES12, LEN10, LEN12, LEN16, LEN18, LEN21, LHOU07, LTRA02, LTRA03, LTRA04,

Report

Application for Planning Permission 19/02418/FUL at Farmhouse A, North Milton, Milton Farm Road Development of existing farm steading building with extension to form worship hall, associated access, car parking and landscaping.

Recommendations

1.1 It is recommended that this application be Granted subject to the details below.

Background

2.1 Site description

The site is a piece of land which is 0.63 hectares in area located on the corner of the B800, which runs north-south between South Queensferry and Kirkliston, and an unclassified road. The site is bounded on the north and west with mature trees and hedging and a stone wall and a post and rail fence to the south and east boundaries.

A number of derelict buildings lie within the site with the current use being for the storage of cars and caravans with some of the site being used as an informal scrap yard. The existing buildings on the site have been there since the 19th century. There is also historical evidence that further buildings were previously on the site. Whilst the buildings are not of any great architectural merit, they are nonetheless solid stone built structures which have some architectural and historic value. They are also of domestic scale, substantially intact and appear structurally capable of conversion.

The buildings and the site in question appear to have been utilised for approximately 20 years as a vehicle and general storage without planning permission. Given the length of time the site has been used a storage yard, this is now its legal use. There are a number of modern modular storage buildings, palisade fencing and hard standing areas for store/van/boat storage.

Access to the site is via two points on the B800 on the western boundary of the site and one from the north eastern boundary from the unclassified road.

The site is surrounded by agricultural fields with Milton Cottage, a residential dwelling, lying to the north east of the site, while another occupied farm building lies to the south of the site.

2.2 Site History

23 June 2017- Planning permission in principle refused for the development of worship hall, associated access, car parking and landscaping (application number: 16/05488/PPP)

Main report

3.1 Description of the Proposal

The application is for the redevelopment and change of use of the existing farm steading buildings with an extension to one of the buildings to form a worship hall. Associated access, car parking and landscaping is also proposed.

The Edinburgh Gospel Trust (EGT) has a congregation of 300 members. At present the congregation gather at two separate halls: one in Davidson's Mains and one at South Queensferry. The proposed new worship hall would act as a main hall for the congregation.

It is proposed that the modern buildings are removed, the historic farm building renovated and a single storey extension of 174 square metres (14.5m x 12m) be constructed to include a gospel hall of 144 square metres. It incorporates the existing main wing of the original steading (running east to west across the site) and part of the existing building to the south of the main building. Other minor additions are proposed including the replacement of the small east wing to match. The footprint of the new build is 213 square metres and the existing building footprint is 222 square metres.

There is currently no roof to the building to the south of the main building and this will be re-instated. External walls to the main building will be finished in white render and horizontal composite timber cladding, colour brown with a slate roof.

The existing gravel car storage area of the site will be remodelled into a formal car parking area, with 57 car parking spaces, six cycle spaces and one motorbike space, a footpath link and soft landscaping.

3.2 Determining Issues

Section 25 of the Town and Country Planning (Scotland) Act 1997 states - Where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.

Do the proposals comply with the development plan?

If the proposals do comply with the development plan, are there any compelling reasons for not approving them?

If the proposals do not comply with the development plan, are there any compelling reasons for approving them?

3.3 Assessment

To address these determining issues, the Committee needs to consider whether:

- a) the proposed use is acceptable in this location;
- b) the proposal will detract from the landscape quality and/or rural character of the area;
- c) the proposal is acceptable in terms of road safety and sustainability;
- d) there is any impact on residential amenity;
- e) there are any other material considerations and
- f) comments raised have been addressed.

a) Principle of Use

The site is within the Edinburgh Green Belt as identified in the Edinburgh Local Development Plan (LDP).

Policy Env 10 (Development in the Green Belt and Countryside) of the LDP states that development will only be permitted where one of the following criteria is met and it would not detract from the landscape quality and/or rural character of the area:

- a) For the purposes of agriculture, woodland and forestry, horticulture or countryside recreation;
- b) For the change of use of an existing building, providing the building is of architectural merit or a valuable element in the landscape and is worthy of retention. Buildings should be of domestic scale, substantially intact and structurally capable of conversion;
- c) For development relating to an existing use or building (s) such as an extension to a site or building, ancillary development or intensification of the use, provided the proposal is appropriate in type in terms of the existing use, of an appropriate scale, of high quality design and acceptable in terms of traffic impact and
- d) For the replacement of an existing building with a new building in the same use.

The proposed use is a non-conforming use and criteria a) cannot be met. However, the current use of the site as a storage area for vehicles, caravans and boats and a scrap yard is not a conforming use either and this is a material consideration.

In relation to criteria b), while the main building proposed to be converted is currently in a relatively poor condition, it is of domestic scale, is substantially intact and appears structurally capable of conversion. It is a traditional stone built farm building which, given the historic farm setting, is a valuable element in the landscape. There are also two much smaller traditional buildings on the site which are currently without roofs. These will also be renovated as part of the proposed development. The proposed change of use of the existing buildings would therefore comply with criteria b).

Criteria c) is also applicable as the proposal involves the development of ancillary car parking as well as a significant element of new build. Part of the proposal is for a single storey extension to the existing steading building. Historic maps show that there was previously an extension here, probably a threshing mill. In the context of the whole site, the extension is proportionate although it does effectively double the size of the original steading building. However, it is well designed and integrates well with the building keeping its rural character whilst providing a new community use. It will be visible from the road but with additional landscaping it will not be highly visible. The Roads Authority has confirmed that it has no objections to the proposal in terms of its traffic impact on the road network.

With regards to the proposed car parking area for the worship hall, it is notable that the existing area is currently hardstanding for the storage of vehicles and caravans and the legal use of the land is currently as a storage site. There are a multitude of vehicles parked over a wide area of hardstanding which covers a good extent of the land. Given the semi industrial nature of the site, the proposed formation of a tarmac car parking area would also not detract from the landscape quality and/or rural character of the area.

The proposal therefore complies with criteria c) of policy Env 10.

The proposal complies with two of the criteria established within LDP policy Env 10 and would not detract from the landscape quality and/or rural character of the area.

LDP policy Ret 1- (Town Centres First) sets out a sequential approach for uses which generate a significant footfall, including community and cultural facilities. This requires that town centres, edge of centre and other identified commercial centres are considered before out of centre locations that can be made accessible by a choice of transport modes.

The application is for a community facility which has approximately 300 members. As such it will generate significant footfall albeit this will be localised. The site is not located within a town centre, edge of town centre or other commercial centre as identified in the plan. Accessibility in terms of a choice of transport modes is limited - this is assessed in detail in section 3.3 c below. The site is an out of centre location which is not accessible by a choice of transport modes. As such, the proposal does not comply with LDP policy Ret 1.

However, the applicant has provided details of other sites that have been investigated. All the sites appear to be out-of-centre, on the west side of the city. The church has been looking at land options since 2002 and a list of locations has been provided where discussions were opened but, for various reasons, it was not possible to conclude a sale. Sites included the BAA land at Turnhouse Road; the Uniroyal site at Newbridge; Axis business park; Cramond Campus; and Granton waterfront.

In addition, the applicants state this is a site specific facility designed to address the local community of rural west Edinburgh and east West Lothian. Over the last few years planning permission has been granted by both the City of Edinburgh Council and West Lothian Council for many new houses in these areas but no provision made for community facilities such as churches to serve these new houses. The Edinburgh Gospel Trust wishes to serve all of their members in this wider area. Currently members have to travel, largely by car, to their churches in Station Road, South Queensferry and Quality Street Lane in Davidson's Mains. These sites are currently in out-of-centre locations. The purpose of the new hall is to provide a local facility to avoid current travelling into the city, providing a focus for the local communities and to make them more sustainable.

There are up to five services or meetings a week and these are attended by up to 300 people and this is why substantial parking is required. Travel distances from, for example, Winchburgh to Davidson Mains, is approximately 20 miles each way. This compares with 3.5 miles each way to the proposed location for the new hall. Similarly the distances from South Queensferry to Davidson Mains would be reduced from 12 miles to less than 1 mile each way. The applicants therefore contend that the proposal is more sustainable in terms of travel times.

It is accepted that the proposals do not comply with Policy Ret 1. However, substantive information has been provided to justify a breach of this policy. The applicants have shown they have looked for alternative sites and that car journeys would actually be reduced by developing this site on the west side of the city. Finally, it is acknowledged that locating a community facility, such as church, is not always easy in a local or town centre where the required floor area and facilities for church use are not always achievable. A case has been made for accepting a breach of policy in relation to this application. However, it is important that this breach only applies to the proposed church use and not to other uses within Class 10 non-residential institutions such as a day nursery which might have greater impacts. A condition has therefore been added restricting the use to place of worship.

b) Landscape quality, rural character and design

Policy Env 10 (Development in the Green Belt and Countryside) of the LDP emphasises that the key test for all proposals in the Greenbelt and Countryside areas will be to ensure that the development does not detract from the landscape quality and/or rural character of the area.

The Guidance for Development in the Countryside and Green Belt also states:

Development in the countryside and green belt should respect the rural character of the area. In order to protect its setting, existing landscape features should be protected and the impact of obtrusive 'suburban clutter' associated with the development such as roads, lamp posts, pavements, car parks, and boundary features should be minimised. For example, the use of hedging and traditional hard landscaping materials is encouraged

LDP policy Des 12 (Alterations and Extensions) states that planning permission will be granted for alterations and extensions to existing buildings which

(a) In their design and form, choice of materials and positioning are compatible with the character of the existing building;

(b) will not result in an unreasonable loss of privacy or natural light to neighbouring properties; and

(c) will not be detrimental to neighbourhood amenity or character.

Landscape character

The character of the wider landscape is agricultural land. However the site is dominated by gravel hard standing where modern corrugated buildings, porta cabins and various vehicles, caravans and boats have been sited/parked. Large areas of the site are surrounded by tall metal industrial fencing and tracks have been formed/constructed through and around the site. Overall the site currently portrays an industrial character inappropriate to the Green Belt setting.

The metal security fencing, porta cabins, corrugated buildings and abandoned vehicles will be removed. This will be replaced with a development of rural character with a retained steading building and a large but well integrated extension. There are opportunities to create a mixture of hard and soft landscaping, which will include further tree planting and other measures to promote bio-diversity can be sought.

It is acknowledged that the proposed car park will be quite large but it will replace an already relatively large gravelled area used for the storage of different vehicles. There are no plans for lamp posts, pavements or any boundary features and the mature trees which bound the site will remain. Much of the proposal, especially the car park, will also be largely screened from public view. The landscape character of the area will be improved.

Trees

LDP policy Env 12 (Trees) does not support development likely to have a damaging impact on a tree protected by a Tree Preservation Order (TPO) or on any other tree or woodland worthy of retention unless necessary for good arboricultural reasons. The site is not covered by a TPO.

A tree survey was submitted as part of the application. The trees to the north of the site are the largest and dominant species within the woodland group. These trees, along with the younger growth collectively, form cohesive woodland which is a prominent landscape feature adjacent to the B800.

A number of existing trees within the development site will be removed in accordance with the tree survey to allow for the suitable siting of the new worship / assembly hall and to allow the appropriate alterations to the vehicle access. The applicant has indicated that the site will be partially cleared with the remains of long grass and tall herbage removed. However, other trees will be planted on the site and a landscaping scheme has been added as a condition to the consent. The Council's arboriculturalist has confirmed that the development is compliant with Env 12.

The proposal complies with LDP policy Env 12.

Design

The design of the new development will be a mixture of modern and traditional, mixing slate clad pitched roofs with rendered walls and timber cladding. While the maximum height of the extension at 7.2 metres will be approximately 500mm greater than the existing building, at 12 metres in width it will be narrower than the farm building which is around 34m wide and will not be overly dominant.

The proposal generally complies with LDP policy Des 12, Env 10, Env 12 and the Guidance for Development in the Countryside and Greenbelt. The proposal will ensure the retention of the traditional farm buildings and the remaining trees within the site will be protected. The proposal will not detract from the landscape quality and/or rural character of the area in accordance with the key test for all proposals in the Greenbelt and Countryside areas.

c) Road/pedestrian safety, parking/cycle provision and Sustainability

A Transport Statement and Stage 1 Road Safety Audit has been submitted with the application.

The existing access junction on the north eastern boundary of the site will be improved to allow access onto the unclassified road. No vehicular access is proposed directly from the B800.

There is an existing public transport corridor serving Kirkliston and Queensferry from the B800 with buses operating until around 8pm in the evening. There are no bus stops in the immediate vicinity of the site with the nearest stop located approximately 397 metres away at the entrance junction to Dundas Parks Golf Club. The transport statement submitted suggests that bus services are regular but the only regular bus along this route appears to be every 40 minutes. The application site is accessible by a single footpath along the west side of the B800. Visitors walking to the church will therefore have to cross the B800. However, a new access footpath within the site will be provided.

The Roads Authority was consulted as part of the assessment of the application and has no objections to the proposal from a road/pedestrian safety viewpoint. There are also no concerns with road capacity in terms of the potential car journeys. The objection purely relates to non-compliance with parking standards.

LDP policy Tra 2 (Private Car Parking) states that planning permission will be granted for development where proposed car parking provision complies with and does not exceed the parking levels set out in Council guidance.

Part 2, Chapter 7, Transport, of the adopted LDP states that the relationship between land uses and how people move between them is fundamental in promoting sustainable development. The highlighted objectives of the policies in this section are to minimise the distances people need to travel, promote and prioritise travel by sustainable means, minimise the detrimental effects of traffic and parking on communities and the environment and ensure that development does not prejudice the implementation of future road, public transport and cycle and footpath proposals.

The number of car parking spaces proposed at the site is 57. This is above the recommended maximum amount of 11 car parking spaces for a development of this size and type. As a result, the Roads Authority recommends the refusal of the application.

In response to the Roads Authority's concerns, a further transport statement was submitted to provide justification for the breach in policy.

The further transport statement highlights that the Edinburgh Gospel Trust (EGT) currently gather at a church at South Queensferry and a further facility at Davidsons Mains. Its congregation is mainly made up of parishioners who come from largely rural areas based around South Queensferry, Newbridge, Winchburgh, Kirkliston, Newton and the West of Edinburgh.

It is further argued that the members of this congregation do not all live nearby in one village and cannot simply walk to the local nearby church: many rural community churches have closed down in recent years. The members of the EGT are instead far more dispersed, often living within rural areas where, unlike in the city, there is no nearby, regular and reliable public transport system, especially operating early on a Sunday morning when services are held. Many of the members are elderly or have families and cycling or walking is also not a practicable option for them. Realistically many members of the EGT have no option but to travel by car to get to their place of worship regardless of where the church is located.

The proposed site was specifically chosen as it is centrally located around where the parishioners live. It is argued that the siting of the church at North Milton would reduce the length of car journeys members of the church have to make as they would no longer have to travel further afield to get to two different sites. The transport statement suggests that the church has looked at a multitude of different sites over the past 16 years but this is the site that best suits their needs and would incur the shortest commuting distances. They have calculated that most members would have to travel a maximum of three to four miles to get to the new church at this site.

It is noted that the site is within cycling distance from South Queensferry and other nearby villages and settlements where some of the parishioners live. Some members could also get a bus to the nearest stop and walk. They also claim that their members are already very adept at car sharing as can be seen in the requirement for only 57 car spaces for a congregation of 300 members.

The proposed development will meet the first key objective highlighted in part 2, Chapter 7 of the LDP as it will minimise the distances that the congregation need to travel to get to church. It will meet another of the key objectives as it will also minimise the detrimental effects of traffic and parking on communities and the environment as the members will no longer have to travel and find parking spaces within South Queensferry and Davidson Mains. The proposal will also not prejudice the implementation of future road, public transport and cycle and footpath proposals.

It is noted that in this instance it is not practicable to fully prioritise travel by walking, cycling and public transport as members are spread out within the rural area and the local public transport service is not regular. Regardless of where the worship hall was located, many members of the EGT would have to take the car. By positioning the hall as close as is possible to where its members reside, car usage can be minimised.

It is also noted that this proposal is not going to be a large commercial development drawing in large crowds throughout the day. The EGT is a congregation of approximately 300 people who will use this site for two services on a Sunday and at nights during the week. Whilst this cannot be controlled by the planning conditions, it is not anticipated that there will be a constant stream of cars coming and going from the site day and night.

It is acknowledged that the applicant could have reduced the number of parking spaces proposed within the site for it to comply with the parking standards. However, the applicant has decided that this would not be conducive to the setting of the site and it may have led to inappropriate parking creating potential safety issues. The applicant therefore argues that their special circumstances are a material consideration which justifies the breach in LDP policy Tra 2.

The above argument is acknowledged. It does not remove the fact that the recommended amount of car parking spaces within a development of this size and type is 11, while the applicant proposes 57, a significant breach in policy. The proposal will also not fulfil the Council's wider strategy of encouraging sustainable, non-car modes. However, on balance the provision of this community facility would have benefits in terms of reducing car journeys on the west side of the city and a justification for the breach in policy has been provided.

LDP policy Tra 3 (Private Cycle Parking) states that planning permission will be granted for development where proposed cycle parking and storage provision complies with the standards set out in Council guidance.

The plans submitted show that adequate levels of bike racks and motor bike parking spaces have been provided within the site in an accessible location. The proposal complies with LDP policy Tra 3.

The proposal will largely utilise existing buildings, minimising the level of new development required on the site. The building and any carbon dioxide emissions resulting from the development will be assessed as part of the required building warrant submission.

d) Amenity

LDP policy Des 5 (Development Design- Amenity) states that planning permission will be granted for development where it is demonstrated that the amenity of neighbouring developments will not be adversely affected.

Environmental Protection was consulted as part of the assessment of the application and expressed concerns with regards to noise coming from the church impacting upon nearby residential uses. However, there is only one residential property within the wider farm and this is approximately 23 metres away from the converted steading building. The worship hall will be located even further away as it will be constructed to the north of the existing steading. The worship hall will have no windows and all noise should be adequately contained. The proposal will have no material impact upon neighbouring properties in terms of amenity.

e) Other Material Issues

Protected Species

LDP policy Env 16 (Species Protection) states that planning permission will not be granted for development that would have an adverse impact upon species protected under European or UK laws.

An Ecological Assessment was undertaken. This showed that the proposed development will have an effect on a European protected species, in this case bats. Therefore, in accordance with the Habitats Regulations, the applicant will be required to obtain a derogation licence from Scottish Natural Heritage (SNH). Prior to issuing this licence, it is necessary for the applicant to be in receipt of planning permission. Therefore the planning authority must be satisfied that the three tests necessary for a licence to be issued will be met. With information supplied by the applicant, the three tests have been applied to this application and it is considered likely that SNH will issue a licence.

The proposal complies with LDP policy Env 16.

Flooding and Water Environment

LDP policy Env 21 (Flood Prevention) states that planning permission will not be granted for development that would increase a flood risk or flooding itself.

Flood Prevention was consulted as part of the assessment of the application. It has confirmed that the submitted Surface Water Management Plan is appropriate and it has no concerns.

The Scottish Environment Protection Agency (SEPA) was also consulted. It confirmed that it had no objection to the proposal subject to a condition being applied to the consent. The condition relates to the requirement for a ground investigation of the site to be carried out and the details of this investigation being submitted for the written approval of the Council, in consultation with SEPA, prior to any works being started.

The proposal complies with LDP policy Env 21.

Airport Safeguarding

The application site falls within the Edinburgh Airport Safeguarding Zone. Edinburgh Airport was therefore consulted as part of the assessment of the application. It has confirmed that there are no concerns regarding the proposal as long a suitable condition and informative is applied to the consent.

f) Public comments

Material Representations - Objection:

- The proposal does not comply with LDP policy Env 10- Greenbelt and Countryside -This is addressed in section 3.3 (a) and (b);
- The applicant has not explored all relevant sites and the development should be located within the settlement boundary - This is addressed in section 3.3 (a);
- The proposal does not comply with LDP policy Env 12- Trees - This is addressed in section 3.3 (b);
- This is not a sustainable location and the design of the proposal must be undertaken in a sustainable manner - This is addressed in section 3.3 (b) and (c); and
- The access and egress to the site are unsafe. The transport statement is inaccurate, no pedestrian access, inaccuracies with Transport links, buses - This has been addressed in section 3.3 (c).

Material Representation- Support:

- Ideal location for new community facility;
- Good use of existing buildings;
- Improve sense of community;
- Will have a modest traffic impact; and
- turn an eyesore into something which enhances the area;

Material Representation- Neutral:

- a continuous footway should be created on the east side of the B800 - This is addressed in section 3.3 (c); and
- Concerns over the accuracy of the Transport statement, the suggestions of the Road Safety Audit should be fully enacted. - This is addressed in section 3.3 (c).

Non Material Representation

- The site is used by locals for the storage of caravans and boats- This is not a material planning consideration.

Conclusion

The proposal complies with the adopted Edinburgh Local Development Plan policies Env 10, Env 12, Env 16, Env 21, Des 5, Des 12 and Tra 3 and there are benefits in bringing a new use to derelict buildings on the site and creating a development which enhances the rural character and landscape quality of the Green Belt. However, there is non-compliance with parking standards and town centre first objectives and the proposals do not comply with policies Tra 2 and Ret 1.

The applicant has provided sufficient information to justify this breach of policies Tra 2 and Ret 1. A number of alternative sites have been investigated and the traffic impacts of this development are acceptable. On this basis, the proposals are deemed to be acceptable.

It is recommended that this application be Granted subject to the details below.

3.4 Conditions/reasons/informatives

Conditions :-

1. Details and sample/s of the proposed external finishing materials for the walls and roofs of the proposal shall be submitted to and approved in writing by the Planning Authority prior to work commencing on site.
2. A fully detailed landscaping plan, including details of all hard and soft landscaping, boundary treatments and proposed tree and hedge planting shall be submitted to and approved in writing by the Planning Authority prior to work commencing on site.
3. A landscape management plan, including tree and hedge replanting, shall be submitted to and approved in writing by the Planning Authority before work is commenced on site; the approved plan shall be implemented within 6 months of the completion of the development.
4. The trees on the site shall be protected during the construction period by the erection of fencing, in accordance with BS 5837:2012 Trees in relation to design, demolition and construction.
5. Prior to the development, hereby approved, becoming operational, all of the works required to hedgerows and verges in order to provide suitable sightline visibility splays, as shown in approved plan 04b, shall be implemented to the satisfaction of the Council as Planning Authority.
6. No works connected with the conversion of the property or other development works, as identified in the application, which have the potential to impact upon a European protected species shall take place until a licence has been issued by SNH and a copy submitted to the Planning Authority.

7. Prior to work commencing on site, a preconstruction walkover will be undertaken to check for badger setts dug in the intervening period between the current survey and construction. The findings of this survey shall be submitted for the written approval of the Council as Planning Authority.
8. The existing stonework on the steading building shall be repaired in stone to match. The proposed toilet building and proposed office and store building shall be rebuilt in stone to match the steading building.
9. Prior to work commencing on site, a full specification of noise mitigation measures highlighting compliance with NR 15 criterion with regards to music/singing noise and NR 25 criterion with regards to mechanical plant noise shall be submitted for the written approval of the Council as Planning Authority. Any noise mitigation measures shall be implemented prior to the commencement of the new use.
10. No development shall take place on site until a ground condition investigation has been carried out and the results of this investigation are submitted for the written approval of the Planning Authority in consultation with SEPA.
11. Notwithstanding the provisions of the Town and Country Planning Use Classes (Scotland) Order 1997, the property and site shall be used solely in connection with public worship or religious instruction and for no other purpose.
12. Development shall not commence until details of the Sustainable Urban Drainage Schemes (SUDS) have been submitted to and approved in writing by the Planning Authority. Details must comply with Advice Note 3 'Wildlife Hazards'. The submitted Plan shall include details of:
 - Attenuation times
 - Profiles & dimensions of water bodies
 - Details of marginal planting

No subsequent alterations to the approved SUDS scheme are to take place unless first submitted to and approved in writing by the Planning Authority. The scheme shall be implemented as approved.

Reasons:-

1. In the interests of visual amenity.
2. In the interests of visual amenity.
3. In the interests of visual amenity.
4. In order to protect the trees on site.
5. In the interests of road and pedestrian safety.
6. To ensure the protection of a European protected species.
7. In order to ensure the protection of a protected species.

8. To ensure the character of the buildings is retained.
9. In order to protect residential amenity.
10. In the interests of environmental protection.
11. In the interests of amenity.
12. To avoid endangering the safe movement of aircraft and the operation of Edinburgh Airport through the attraction of Birds and an increase in the bird hazard risk of the application site.

Informatives

It should be noted that:

1. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
2. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.
3. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.
4. The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority

5. In accordance with the Council's LTS Travplan3 policy, the applicant should consider developing a Travel Plan including provision of pedal cycles (inc. electric cycles), secure cycle parking, public transport travel passes, a Welcome Pack, a high-quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities), timetables for local public transport;

6. All disabled persons parking places should comply with Disabled Persons Parking Places (Scotland) Act 2009. The Act places a duty on the local authority to promote proper use of parking places for disabled persons' vehicles. The applicant should therefore advise the Council if he wishes the bays to be enforced under this legislation. A contribution of £2,000 will be required to progress the necessary traffic order but this does not require to be included in any legal agreement. All disabled persons parking places must comply with Traffic Signs Regulations and General Directions 2016 regulations or British Standard 8300:2009 as approved;
7. Electric vehicle charging outlets should be considered for this development including dedicated parking spaces with charging facilities and ducting and infrastructure to allow electric vehicles to be readily accommodated in the future
8. Prior to any work being carried out on the public (adopted) verge, footway or carriageway, a section 56 Permit shall be obtained from the Councils Locality Roads office.

Note:

The application has been assessed under the 2017 parking standards. These permit:

For a 427sq,m GFA Class 10 Church / Community hall development in zone 3;

Car parking spaces - A maximum of one space per 40sq.m GFA = 11 spaces (56 spaces proposed)

Cycle parking spaces - A minimum of one space per 67 sq. GFA = 6 spaces (6 spaces proposed)

Motorcycle parking spaces - A minimum of one space (one space proposed)

9. Prior to any work being carried out on the public (adopted) verge, footway or carriageway, a section 56 Permit shall be obtained from the Councils Locality Roads office.
10. All protective measures for badgers, as detailed in section 7.1 of the ecology report submitted should be carried out in full during the construction period.
11. The nests of all species of bird are protected when nests are active. Clearance of any vegetation and any roof works must avoid the breeding bird season (March to August inclusive). If this is not possible a suitable qualified individual shall check these areas prior to removal.
12. We refer the applicant to the Building Standards Technical Handbook and as indicated in the Guidance for Pollution Prevention (GGP 4) available in: <https://www.netregs.org.uk/media/1471/gpp4-20171114-online-v2.pdf>
13. Authorisation is required under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR) to carry out engineering works in or in the vicinity of inland surface waters (other than groundwater) or wetlands. Inland water means all standing or flowing water on the surface of the land (e.g. rivers, lochs, canals, reservoirs)

14. Details of regulatory requirements and good practice advice for the applicant can be found on the Regulations section of our website. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the regulatory services team at waterpermitting@sepa.org.uk or at your local office.
15. Given the nature of the proposed development it is possible that a crane may be required during its construction. We would, therefore, draw the applicant's attention to the requirement within the British Standard Code of Practice for the safe use of Cranes, for crane operators to consult the aerodrome before erecting a crane in close proximity to an aerodrome. This is explained further in Advice Note 4, 'Cranes' (available at <http://www.aoa.org.uk/policy-campaigns/operations-safety/>)

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

5.1 Provided planning applications are determined in accordance with statutory legislation, the level of risk is low.

Equalities impact

6.1 The equalities impact has been assessed as follows:

The application has been assessed and has no impact in terms of equalities or human rights.

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

This application meets the sustainability requirements of the Edinburgh Design Guidance.

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

Four representations were received in relation to the application. Two objection comments, one neutral comment and one support comment. The points raised are addressed in section 3.3 of this report.

Background reading/external references

- To view details of the application go to
- [Planning and Building Standards online services](#)
- [Planning guidelines](#)
- [Conservation Area Character Appraisals](#)
- [Edinburgh Local Development Plan](#)
- [Scottish Planning Policy](#)

Statutory Development

Plan Provision

Date registered

6 June 2019

Drawing numbers/Scheme

01, 02, 03, 04b, 05a, 06a, 07a, 8,

Scheme 1

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Robert McIntosh, Planning Officer

E-mail: robert.mcintosh@edinburgh.gov.uk Tel: 0131 529 3422

Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

LDP Policy Des 1 (Design Quality and Context) sets general criteria for assessing design quality and requires an overall design concept to be demonstrated.

LDP Policy Des 4 (Development Design - Impact on Setting) sets criteria for assessing the impact of development design against its setting.

LDP Policy Des 5 (Development Design - Amenity) sets criteria for assessing amenity.

LDP Policy Des 12 (Alterations and Extensions) sets criteria for assessing alterations and extensions to existing buildings.

LDP Policy Env 10 (Development in the Green Belt and Countryside) identifies the types of development that will be permitted in the Green Belt and Countryside.

LDP Policy Env 12 (Trees) sets out tree protection requirements for new development.

LDP Policy Env 16 (Species Protection) sets out species protection requirements for new development.

LDP Policy Env 18 (Open Space Protection) sets criteria for assessing the loss of open space.

LDP Policy Env 21 (Flood Protection) sets criteria for assessing the impact of development on flood protection.

LDP Policy Hou 7 (Inappropriate Uses in Residential Areas) establishes a presumption against development which would have an unacceptable effect on the living conditions of nearby residents.

LDP Policy Tra 2 (Private Car Parking) requires private car parking provision to comply with the parking levels set out in Council guidance, and sets criteria for assessing lower provision.

LDP Policy Tra 3 (Private Cycle Parking) requires cycle parking provision in accordance with standards set out in Council guidance.

LDP Policy Tra 4 (Design of Off-Street Car and Cycle Parking) sets criteria for assessing design of off-street car and cycle parking.

Appendix 1

Application for Planning Permission 19/02418/FUL at Farmhouse A, North Milton, Milton Farm Road Development of existing farm steading building with extension to form worship hall, associated access, car parking and landscaping.

Consultations

Environmental Protection

My main concern relates to noise from music and / or the congregation singing, as well as noise from mechanical plant affecting the nearby residential properties.

Therefore, please ask the agent for a Noise Impact Assessment (NIA) assessing:

- a) Music / singing noise - An appropriate source noise level should be used by the acoustic consultant (85dBA). The standard to be achieved inside the nearest or worst affected residential property is inaudibility through an open window. For that I will accept compliance with the NR15 criterion or 10dB below background noise level.*
- b) Mechanical plant noise - The standard to be achieved inside the nearest or worst affected residential property is NR25 through an open window.*

If noise mitigation measures are required to achieve these standards, a full specification of noise mitigation measures should be provided and said mitigation marked on a numbered drawing.

I would also be grateful if you could advise on the type of heating / hot water system to be installed.

Roads Authority

The application should be refused.

Reasons:

- 1. The number of car parking spaces proposed exceed the Councils parking standards.*

If minded to grant, the following should be included as conditions or informatives as appropriate:

Informatives;

1. *In accordance with the Council's LTS Travplan3 policy, the applicant should consider developing a Travel Plan including provision of pedal cycles (inc. electric cycles), secure cycle parking, public transport travel passes, a Welcome Pack, a high-quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities), timetables for local public transport;*
2. *All disabled persons parking places should comply with Disabled Persons Parking Places (Scotland) Act 2009. The Act places a duty on the local authority to promote proper use of parking places for disabled persons' vehicles. The applicant should therefore advise the Council if he wishes the bays to be enforced under this legislation. A contribution of £2,000 will be required to progress the necessary traffic order but this does not require to be included in any legal agreement. All disabled persons parking places must comply with Traffic Signs Regulations and General Directions 2016 regulations or British Standard 8300:2009 as approved;*
3. *Electric vehicle charging outlets should be considered for this development including dedicated parking spaces with charging facilities and ducting and infrastructure to allow electric vehicles to be readily accommodated in the future;*
4. *Prior to any work being carried out on the public (adopted) verge, footway or carriageway, a section 56 Permit shall be obtained from the Councils Locality Roads office.*

Note:

The application has been assessed under the 2017 parking standards. These permit:

For a 427sq,m GFA Class 10 Church / Community hall development in zone 3;

Car parking spaces - A maximum of one space per 40sq.m GFA = 11 spaces (56 spaces proposed)

Cycle parking spaces - A minimum of one space per 67 sq. GFA = 6 spaces (6 spaces proposed)

Motorcycle parking spaces - A minimum of one space (one space proposed)

The above comments based on revised drawing no. PL04 Rev D (Fouin & Bell Architects).

SEPA

Following our previous response of the 18 December 2019 (our ref: PCS/168961) we have re-discussed the case with our specialists. We are now changing our previous objection to a suspensive condition.

Detailed advice for the planning authority

We ask that a suspensive planning condition be attached to the consent requiring that no development takes place on site until the results of a site investigation are to the satisfaction of the Planning Authority in consultation with SEPA.

If this will not be applied, then please consider this representation as an objection.

We have amended our comments in the section below to reflect the change.

Advice for the planning authority

1. Drainage

1.1 Foul drainage discharge will require CAR authorisation & should be discharged to a soakaway however a ground investigation requires to be undertaken as to feasibility of this (soil porosity etc).

1.2 If the ground conditions prove unsuitable for a soakaway to work, we shall require a further level of treatment prior to discharge to burn, as the is insufficient DWF dilution for direct discharge of septic tank effluent alone. A packaged treatment plant may not be suitable for intermittent variability of usage, septic tank plus reedbed or filter bed may be more appropriate.

1.3 Please note that if the soil porosity is outwith optimum range this may even not be suitable for septic tank discharge to soakaway, therefore further site investigation is critical for the foul drainage strategy and therefore require the suspensive condition above to be attached to the consent.

1.4 SUDS will be required for surface water drainage which must be disposed of separately to foul.

1.5 The proposed SUDS should accord with the SUDS Manual (C753) and the importance of preventing runoff from the site for the majority of small rainfall events (interception) is promoted. The applicant should use the Simple Index Approach (SIA) Tool to ensure the types of SUDS proposed are adequate.

1.1 Construction phase SUDS should be used on site to help minimise the risk of pollution to the water environment. Further detail with regards construction phase SUDS is contained in Chapter 31 of SUDS Manual (C753).

Detailed advice for the applicant

2. Drainage

2.1 We have changed our previous objection to a suspensive condition.

2.2 In addition to the comments above, we refer the applicant to the Building Standards Technical Handbook and as indicated in the Guidance for Pollution Prevention (GGP 4) available in: <https://www.netregs.org.uk/media/1471/gpp4-20171114-online-v2.pdf>

Regulatory advice for the applicant

3. Regulatory requirements

3.1 Authorisation is required under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR) to carry out engineering works in or in the vicinity of inland surface waters (other than groundwater) or wetlands. Inland water means all standing or flowing water on the surface of the land (e.g. rivers, lochs, canals, reservoirs).

3.2 Details of regulatory requirements and good practice advice for the applicant can be found on the Regulations section of our website. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the regulatory services team at waterpermitting@sepa.org.uk or at your local office.

AIRPORT SAFEGUARDING

The proposed development has been examined from an aerodrome safeguarding perspective and could conflict with safeguarding criteria unless any planning permission granted is subject to the conditions detailed below:

Submission of SUDS Details

Development shall not commence until details of the Sustainable Urban Drainage Schemes (SUDS) have been submitted to and approved in writing by the Planning Authority. Details must comply with Advice Note 3 'Wildlife Hazards'. The submitted Plan shall include details of:

- o Attenuation times*
- o Profiles & dimensions of water bodies*
- o Details of marginal planting*

No subsequent alterations to the approved SUDS scheme are to take place unless first submitted to and approved in writing by the Planning Authority. The scheme shall be implemented as approved.

Reason: To avoid endangering the safe movement of aircraft and the operation of Edinburgh Airport through the attraction of Birds and an increase in the bird hazard risk of the application site. For further information please refer to Advice Note 3 'Wildlife Hazards' (available at <http://www.aoa.org.uk/policy-campaigns/operations-safety/>)

We would also make the following observations:

Cranes:

Given the nature of the proposed development it is possible that a crane may be required during its construction. We would, therefore, draw the applicant's attention to the requirement within the British Standard Code of Practice for the safe use of Cranes, for crane operators to consult the aerodrome before erecting a crane in close proximity to an aerodrome. This is explained further in Advice Note 4, 'Cranes' (available at <http://www.aoa.org.uk/policy-campaigns/operations-safety/>)

It is important that any conditions requested in this response are applied to a planning approval. Where a Planning Authority proposes to grant permission against the advice of Edinburgh Airport, or not to attach conditions which Edinburgh Airport has advised, it shall notify Edinburgh Airport, and the Civil Aviation Authority and the Scottish Ministers as specified in the Safeguarding of Aerodromes Direction 2003.

Location Plan



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Development Management Sub Committee

Wednesday 19 February 2020

Application for Planning Permission 19/03712/FUL at 248 Ferry Road, Edinburgh, EH5 3AN. Change the use from a guest house to a House of Multiple Occupancy. (HMO License applied for separately). 24 hour support will be provided to up to 12 occupants at any given time.

Item number

Report number

Wards

B04 - Forth

Summary

The proposal represents an acceptable use which is in keeping with the character of the surrounding area, and which will not have a materially detrimental impact on the living conditions of neighbouring residents. The proposal will preserve the character and appearance of the Inverleith Conservation Area and does not raise any issues in respect of vehicle or cycle parking and road safety. The proposal complies with policies Hou 7, Env 6 and Tra 3 of the adopted Edinburgh Local Development Plan (LDP) and the Council's Non-Statutory Guidance for Business. An infringement of policy Tra 2 in respect of the parking provision on the site is acceptable in respect of this application having regards to the nearby provision of public transport links.

Links

[Policies and guidance for this application](#)

LDPP, LHOU07, LEN06, LTRA02, LTRA03, NSG, NSBUS, CRPINV,

Report

Application for Planning Permission 19/03712/FUL at 248 Ferry Road, Edinburgh, EH5 3AN. Change the use from a guest house to a House of Multiple Occupancy. (HMO License applied for separately). 24 hour support will be provided to up to 12 occupants at any given time.

Recommendations

1.1 It is recommended that this application be Granted subject to the details below.

Background

2.1 Site description

The site is a two storey and attic level stone built end terraced building, located on the northern side of Ferry Road adjacent to the junction with Clark Avenue. The premises are situated at the eastern end of a row of identical buildings which extends along Ferry Road to Bangholm Place in the west. It is currently in use as a guest house. The surrounding area has a predominantly residential character which is characterised by detached and terraced dwellinghouses. Several other guest houses are situated within the terraced row and the Goldenacre playing fields are located to the south of the premises on the opposite side of Ferry Road.

The site is located directly to the north of Inverleith Conservation Area, the boundary of which runs down the middle of Ferry Road.

2.2 Site History

There is no relevant planning history for this site.

Main report

3.1 Description of the Proposal

The proposal seeks planning permission for a change of use from a guest house (class 7) to a house in multiple occupation for 12 occupants (sui generis). No external or internal changes to the premises are proposed. The premises encompasses front, side and rear garden areas. The rear garden is split between an area of grass and a driveway which provides vehicle parking and access to Bangholm Avenue. Waste storage and collection from the site will be provided by a private contractor.

3.2 Determining Issues

Section 25 of the Town and Country Planning (Scotland) Act 1997 states - Where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states - special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.

Do the proposals comply with the development plan?

If the proposals do comply with the development plan, are there any compelling reasons for not approving them?

If the proposals do not comply with the development plan, are there any compelling reasons for approving them?

3.3 Assessment

To address these determining issues, the Committee needs to consider whether:

- a) The use is acceptable in terms of the amenity of neighbouring residents;
- b) The proposal will preserve or enhance the character and appearance of the Inverleith Conservation Area;
- c) The proposal raises any issues in respect of parking and road safety and
- d) Any matters in raised in representations have been addressed.

a) Principle of Use

Policy Hou 7 of the adopted Edinburgh Local Development Plan (LDP) states that developments, including changes of use, which would have a materially detrimental effect on the living conditions of nearby residents will not be permitted. Policy Hou 7 is the only policy within the LDP which is directly relevant in relation to assessing the suitability of a HMO use. This policy does not seek to restrict the number of HMO properties in an area and is primarily concerned with protecting the living conditions of nearby residents. Supporting guidance is provided in the Council's Non-Statutory Guidance for Businesses which outlines that several factors will be considered in assessing such uses including background noise in the area and proximity to nearby residents.

The premises currently operates as a guest house and as such already constitute a non-residential use. The premises are located on Ferry Road which is a busy thoroughfare. The surrounding area encompasses several other guest houses which are located within the terraced row of buildings within which the application premises is situated. The premises are bordered to its west by a residential dwelling house at 250 Ferry Road, and a small section of the northern boundary of the site borders the driveway/front garden area of 1C Clark Avenue.

The current use involves the provision of guest house accommodation for a similar number of people as the proposed HMO. Guest house residents are likely to reside on a transient basis and are not permanent residential occupants of a building. In addition, the nature of the current use is such that the existing operations are likely to involve the arrival and departure of guests in the early morning and late at night. The proposed use of the premises as an HMO with 12 residents will not therefore represent the introduction of a use involving operations which differ significantly from the existing operations on the site. The main entrance to the premises is situated adjacent to its eastern gable elevation, with the main entrance to the site being located at the junction between Ferry Road and Clark Avenue. The entrance to the premises is situated a sufficient distance from neighbouring residential properties to ensure that neighbouring residents should not be impacted by the arrival and departure of individuals residing at the premises.

Environmental Protection was consulted on the application and raised no objection to the proposal on the grounds of potential anti-social behaviour, although it should be noted that this is a police matter and cannot be controlled by planning conditions. The demographic and personal circumstances of potential residents of an HMO cannot be controlled by the planning authority and are not a material consideration in the determination of planning applications. The planning authority can only assess whether a set number of unrelated individuals residing in a premises on a permanent basis is acceptable in planning terms, having regards to the development plan and any other material considerations. In addition, the proposed change of use of the property to a House in Multiple Occupation will require it to be licensed under the Civic Government (Scotland) Act 1982 (Licensing of Houses in Multiple Occupation) Order 2000, where separate controls exist to safeguard neighbouring residential amenity from instances of noise, disturbance and anti-social behaviour.

It is noted that the applicant has advised that the manner of proposed operations involves the provision of 24 hour support and a manager's office. However, it is not possible to condition such provision to be part of any consent, as it would not meet the tests of enforceability or necessity as set out in circular 4/1998. Therefore, whilst this is part of the applicant's case, little weight has been attached to this consideration.

A search on the planning authority application database has been undertaken for all applications for planning permission for HMO use in the current Forth Ward. Since the establishment of the current Forth Ward in 2017, this application is the only one which has been submitted for an HMO use. Between 2006 and 2017 when the site was located in the previous Forth Ward, no applications for HMO use were submitted to the planning authority. The proposed use would not therefore result in an over provision of HMO properties within the Forth Ward area.

The proposal will not have a materially detrimental impact on the living conditions of neighbouring residents and is acceptable in principle. The proposal complies with LDP policy Hou 7, and the use is acceptable.

b) Character and Appearance of the Inverleith Conservation Area

The site is situated near the northern boundary of the Inverleith Conservation Area which runs along the middle of Ferry Road. The proposal does not involve any physical changes to the external appearance of the building. In addition, having regards to the presence of existing guest houses in the surrounding area, the proposal will not involve the introduction of a land use which will alter the character of the conservation area.

The proposal will preserve the character and appearance of the Inverleith Conservation Area and complies with LDP policy Env 6.

c) Parking and Road Safety

The proposal includes provision to utilise the existing driveway area in the rear garden to provide vehicle parking for a maximum of 4 vehicles. The parking standards in the EDG do not contain any set standards for a House in Multiple Occupation.

The EDG standards for a dwelling house in this location outline that any house should have a maximum of 1 parking space. While the provision on site exceeds the guidance, it is considered appropriate in the context of this application. Parking on the site is provided by a section of existing hardstanding in the rear garden which will not be enlarged or expanded, and it is not considered that the proposed level of parking provision will serve to encourage potential residents to utilise private car travel. The site is situated in a location which benefits from good public transport connectivity, with bus stops for Lothian Buses services 14, 21 and 23 located nearby. The site is also located in close proximity to an access point leading onto Goldenacre path which provides direct access to the wider cycle and pedestrian path network serving south Edinburgh. Prospective residents will therefore have convenient access to several modes of public transport.

The EDG standards outline that a dwelling house with more than four rooms in this location should have a minimum of 3 cycle parking spaces. A shed structure which is located within the rear garden can provide cycle storage provision for prospective residents.

The Roads Authority were consulted on the proposal and raised no objection.

The proposal accords with the requirements of LDP policy Tra 3. An infringement of policy Tra 2 in respect of the level of parking on the site is acceptable in the context of this application having regards to the proximity of the site to good public transport connectivity. The proposal does not raise any issues in respect of vehicle or cycle parking.

d) Matters Raised in Representations

Objection Comments

Material Considerations

- Proposal will result in anti-social behaviour and have a detrimental impact on the living conditions and privacy of neighbouring residents - addressed in section 3.3 (a);
- Proposal will result in the over provision of HMO's in the local area - addressed in section 3.3 (a);
- Proposal is not in keeping with the character of the surrounding area - addressed in section 3.3 (a);
- Proposal will have a detrimental impact on the character and appearance of the Inverleith Conservation Area - addressed in section 3.3 (b), and;
- Proposal will have a detrimental impact on existing parking arrangements - addressed in section 3.3 (c).

Non-Material Considerations

- Demographic and personal background of proposed residents will result in anti-social behaviour and have an impact on the security and safety of neighbouring residents, including children - The planning authority cannot effect control over the personal background or demographic nature of potential residents of an HMO. Issues relating to the security and safety of neighbouring residents are a matter for Police Scotland if criminal acts are involved.
- Proposal will have a detrimental impact on the operation of existing businesses in the surrounding area - The potential impact of a proposed change of use on the commercial operations of private businesses is not a material planning consideration
- Proposal may result in a loss of amenity to neighbouring commercial businesses - The planning system does not seek to protect amenity to commercial properties.
- Proposed management practices cannot be guaranteed to stay in place over the long term - The management practices are a matter for HMO licensing.
- Proposal will result in a decrease in the value of private property - The effect of a proposal on the value of private property is not a material planning consideration.
- Proposal may result in other guest houses in the surrounding area being tempted to change to HMO use - The planning authority cannot pre-judge whether other premises may seek to make a material change of use as a result of the granting of consent for a development.

- Neighbour notification was not carried out correctly - Neighbouring residents located within 20 metres of the application site were notified directly of the proposal on 14 August 2019. The application was also published on the Council's Weekly List of applications on 19 August 2019. The planning authority has fulfilled its requirements under The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 in respect of the notification and publication of this application.
- Geographical location of individuals who have made support comments - The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 do not place any specific geographical restrictions on who may or may not make a comment on a planning application.

Support Comments

Material Considerations

- Proposal is an appropriate use which will be in keeping with the character of the surrounding area - addressed in section 3.3 (a) and (b).
- Proposal will not result in anti-social behaviour - addressed in section 3.3 (a).

Non-Material Considerations

The proposal will provide help and support to vulnerable individuals - The planning authority cannot effect control over the personal background or demographic nature of potential residents of an HMO. Such matters are not a material planning consideration.

Conclusion

In conclusion, the proposal represents an acceptable use which is in keeping with the character of the surrounding area, and which will not have a materially detrimental impact on the living conditions of neighbouring residents. The proposal will preserve the character and appearance of the Inverleith Conservation Area and does not raise any issues in respect of vehicle or cycle parking and road safety. The proposal complies with policies Hou 7, Env 6 and Tra 3 of the adopted Edinburgh Local Development Plan (LDP) and the Council's Non-Statutory Guidance for Business. An infringement of policy Tra 2 in respect of the parking provision on the site is acceptable in respect of this application having regards to the nearby provision of public transport links.

It is recommended that this application be Granted subject to the details below.

3.4 Informatives

Informatives:-

It should be noted that:

1. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
2. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.
3. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

5.1 Provided planning applications are determined in accordance with statutory legislation, the level of risk is low.

Equalities impact

6.1 The equalities impact has been assessed as follows:

The application has been assessed and has no impact in terms of equalities or human rights.

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

This application is not subject to the sustainability requirements of the Edinburgh Design Guidance.

Consultation and engagement

8.1 Pre-Application Process

There is no pre-application process history.

8.2 Publicity summary of representations and Community Council comments

102 letters of objection, 102 letters of support and one general comment were received in respect of the proposal. A full summary of the considerations raised by these contributors can be found in section 3.3 of the main report.

Background reading/external references

- To view details of the application go to
- [Planning and Building Standards online services](#)
- [Planning guidelines](#)
- [Conservation Area Character Appraisals](#)
- [Edinburgh Local Development Plan](#)
- [Scottish Planning Policy](#)

Statutory Development**Plan Provision**

The site is located in the urban area in the adopted Edinburgh Local Development Plan.

Date registered

12 August 2019

Drawing numbers/Scheme

01 - 02,

Scheme 1

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: James Allanson, Planning Officer

E-mail:james.allanson@edinburgh.gov.uk Tel: 0131 529 3946

Links - Policies

Relevant Policies:**Relevant policies of the Local Development Plan.**

LDP Policy Hou 7 (Inappropriate Uses in Residential Areas) establishes a presumption against development which would have an unacceptable effect on the living conditions of nearby residents.

LDP Policy Env 6 (Conservation Areas - Development) sets out criteria for assessing development in a conservation area.

LDP Policy Tra 2 (Private Car Parking) requires private car parking provision to comply with the parking levels set out in Council guidance, and sets criteria for assessing lower provision.

LDP Policy Tra 3 (Private Cycle Parking) requires cycle parking provision in accordance with standards set out in Council guidance.

Relevant Non-Statutory Guidelines

Non-statutory guidelines 'GUIDANCE FOR BUSINESSES' provides guidance for proposals likely to be made on behalf of businesses. It includes food and drink uses, conversion to residential use, changing housing to commercial uses, altering shopfronts and signage and advertisements.

The Inverleith Conservation Area Character Appraisal emphasises the predominance of Georgian, Victorian and Edwardian villas and terraces which form boundaries to extensive blocks of public and private open space. The villa streets are complemented by a profusion of mature trees, extensive garden settings, stone boundary walls and spacious roads. The villas are in a considerable variety of architectural styles, unified by the use of local building materials.

Appendix 1

**Application for Planning Permission 19/03712/FUL
at 248 Ferry Road, Edinburgh, EH5 3AN.**

**Change the use from a guest house to a House of Multiple
Occupancy. (HMO License applied for separately). 24 hour
support will be provided to up to 12 occupants at any given
time.**

Consultations

Environmental Protection

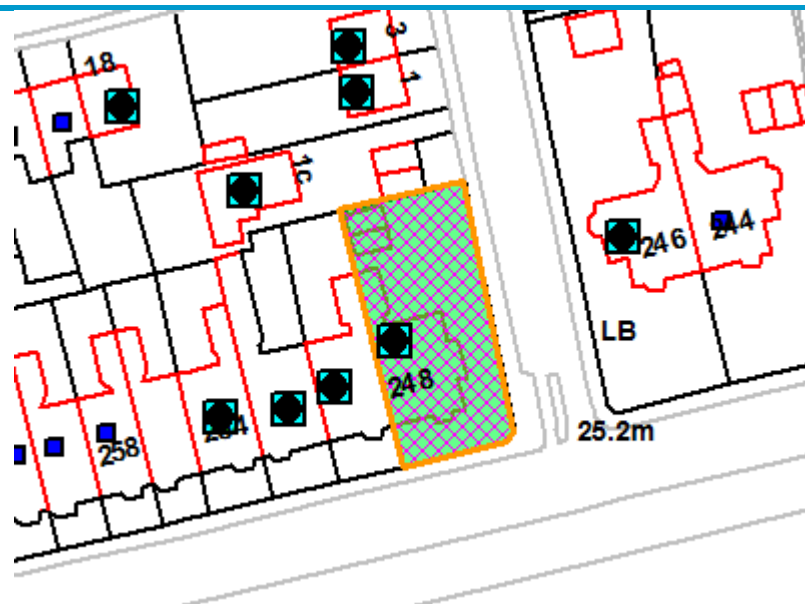
The applicant proposes the change of the property to from a guest house to provide residential accommodation for up to 12 occupants as a House of Multiple Occupation. The property is a semi-detached stone built Victorian property with its own entrance.

Environmental Protection has no objections to this proposed development.

Roads Authority

No objections to the application.

Location Plan



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END

Development Management Sub Committee

Wednesday 19 February 2020

**Application for Planning Permission 19/03380/FUL
At 35 Lanark Road, Edinburgh, EH14 1TL
Demolition of existing building and erection of purpose
built student accommodation and all associated works
(amendment to planning consent 16/06275/FUL)**

Item number

Report number

Wards

B09 - Fountainbridge/Craiglockhart

Summary

The proposal is acceptable in principle and is of a suitable design, form and scale which will not have an adverse impact on the character and appearance of the surrounding area. The proposal does not raise any issues in respect of parking, road safety, landscaping, biodiversity or flood prevention and will not have a detrimental impact on the setting of any listed buildings, the amenity of neighbouring residents or development of a site of archaeological significance.

Links

[Policies and guidance for this application](#)

LDPP, LDES01, LDES05, LDES09, LDES10, LTRA02, LTRA03, LEN03, LEN11, LEN12, LEN15, LEN16, LEN21, LDES03, LDES04, LHOU03, LHOU04, NSG, NSGSTU, NSGD02, HES, HESSET, HEPS,

Report

Application for Planning Permission 19/03380/FUL At 35 Lanark Road, Edinburgh, EH14 1TL Demolition of existing building and erection of purpose built student accommodation and all associated works (amendment to planning consent 16/06275/FUL)

Recommendations

1.1 It is recommended that this application be Granted subject to the details below.

Background

2.1 Site description

The application site comprises a car dealership and motor vehicle garage located on the southern side of Lanark Road. The site covers a total area of 0.17 hectares and is located directly adjacent to the Water of Leith which runs along its southern boundary.

The Union Canal and Towpath are situated directly to the north west of the site on the opposite side of Lanark Road. The canal and the Slateford Aqueduct are scheduled ancient monuments. A group of category B listed buildings including the Cross Keys Inn (listing reference: LB30121, listing date: 12 December 1974), former Slateford Church (listing reference: LB30017, listing date 12 December 1974), and the Old Manse House (listing reference: LB30122, listing date: 12 December 1974) are located immediately to the south west of the site.

The surrounding area has a mixed residential/commercial character, consisting of one and two storey original historic buildings, some of which have been converted into commercial uses, and more modern contemporary style flatted buildings located to the north and west. Commercial uses, including the Longstone Sainsbury's Supermarket and industrial units, are located to the north.

The majority of the site is located adjacent to the Green Belt, Water of Leith Special Landscape Area and Local Nature Conservation Site. A small section on the southern boundary of the site falls within these designations.

2.2 Site History

20 January 2014 - Planning application for a proposed flatted development of 15 units withdrawn (application reference: 06/02249/FUL).

19 December 2016 - Planning permission refused for a change of use at 27, 35, 37-39 Lanark to purpose built student accommodation and erection of two new high quality, managed student residences. Both blocks were to have office/reception and communal area with associated facilities at ground floor level, landscaping, amenity space and

cycle storage. The proposal was refused due to it primarily being a non-conforming use within the Green Belt, having a damaging impact on the Water of Leith Special Landscape Area, loss of trees and issues relating to design, form, scale, amenity of future occupiers and housing provision on the site (application reference: 15/05401/FUL).

15 August 2018 - Planning permission granted for the demolition of existing buildings and erection of purpose built student accommodation including change of use and all associated works (as amended) (application reference: 16/06275/FUL).

Main report

3.1 Description Of The Proposal

The proposal is to demolish the existing buildings and erect 134 bed student accommodation. The units comprise 104 studio, six accessible studio, three two bed apartments and six three bed apartments. There is a main reception, office, communal break out area and gym situated at the ground floor level.

The proposed building comprises a contemporary style, flat roofed structure stepping from five storeys at the east end to three storeys at the west end. The main facing material is a multi tonal buff brick, with Anthra-Zinc standing seam roofing, aluminium framed double glazed windows.

The proposal includes an access pend and internal courtyard accessed form Lanark Road. No car parking is proposed on site. A bike store and two tier bike racks located at the rear of the site will provide 100% cycle parking provision is proposed for the development. Bin stores will be provided internally within the building.

Outdoor amenity space is to be provided at the rear of the site and will be in the form of a tiered seated and planted courtyard.

Scheme 1

The fourth floor projection has been cut back 2 metres and the ground floor terraces have been extended and balconies introduced to the east elevation.

Supporting Documents

The applicant has submitted the following documents in support of the application which are available to view via planning and building standards online services:

Ecology Report
Landscape and Visual Appraisal
Design and Access Statement
S1 Sustainability Statement Form
Flood Risk Assessment and Drainage Strategy Report
Visualisation

3.2 Determining Issues

Section 25 of the Town and Country Planning (Scotland) Act 1997 states - Where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.

Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states that in considering whether to grant planning permission for development which affects a listed building or its setting, a planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Do the proposals comply with the development plan?

If the proposals do comply with the development plan, are there any compelling reasons for not approving them?

If the proposals do not comply with the development plan, are there any compelling reasons for approving them?

3.3 Assessment

To address these determining issues, the Committee needs to consider whether:

- a) the proposal is acceptable in principle;
- b) the proposals preserve the character of the listed building;
- c) the proposals adversely affect the landscape quality of the Green Belt;
- d) the scale, form, design and materials are acceptable;
- e) the proposals have an adverse impact on flora or fauna;
- f) the development will impact on residential amenity;
- g) the proposal raises any concerns in relation to transport;
- h) there are any other material considerations and
- i) any material comments made in representations have been addressed;

a) Principle of the Development

Policy Hou 8 (Student Accommodation) of the adopted Edinburgh Local Development Plan (LDP) states that planning permission for purpose built student housing will be granted where the location is appropriate in terms of access to university and college facilities by walking, cycling and public transport; and provided the proposal would not result in an excessive concentration of student accommodation to an extent that would be detrimental to the maintenance of balanced communities.

In addition to LDP policy Hou 8, the Council's Student Housing Guidance outlines the location and design guidance to be applied to proposals for student housing. Part a) accepts student housing in locations within or sharing a boundary with a main university. For locations outwith criteria a), student housing will generally be supported on sites with less than 0.25 hectares (ha) of developable area. This application site does not share a boundary with a university or college campus but is not greater than 0.25 hectares in area. The nearest university facility is Edinburgh Napier University's Craiglockhart Campus which is located half a mile to the south east.

In terms of access, the site is in very close proximity to both the Water of Leith Walkway and the Union Canal Footpath/Cycle Path. The Water of Leith Walkway can be accessed from Lanark Road directly. The Union Canal Cycle Path is situated close by to the north, with points of access provided from the Water of Leith Walkway at Slateford Aqueduct and the Prince Charlie Aqueduct located to the east of the site on Lanark Road. The Water of Leith Walkway provides pedestrian access to the north of the city, with the Union Canal providing ease of access to Fountainbridge, close to the city centre.

The site is served by four separate Lothian Buses bus routes. Bus numbers 34 and 36 provide direct access to the Heriot Watt campus at Riccarton, the Edinburgh Napier University campus at Sighthill and Edinburgh College. Bus number 36 also provides access to the Edinburgh Napier University Campus on Colinton Road. Numbers 34 and 44 provide access to the city centre with several stops situated within convenient walking distance of Edinburgh University's City Centre Campus.

The surrounding area has a mixed residential/commercial character which encompasses detached and semi-detached residential dwellinghouses, flatted properties and several commercial uses including the Longstone Sainsbury's and several warehouse units located to the north of the site. The site is not identified within the Council's Student Housing Guidance as having a concentration of students comprising more than 20% of the population and is also identified as having a relatively low number of students living in both private accommodation and university managed accommodation. The nearest purpose-built student accommodation building is the Mill House, located at 400 Gorgie Road located one mile to the North East. The introduction of student accommodation in this location will not therefore disrupt the balance of the community.

The site lies in relatively close proximity to Redhall Park and Meggatland Sports Complex, providing students with ease of access to outdoor amenity sites.

The site is not identified within the June 2014 LDP Housing Land Study as having a high probability of delivering housing and is not greater than 0.25 ha in area. Therefore, in accordance with criteria c) of the Student Housing Guidance, there is no requirement to include a portion of housing as part of the proposed development.

Given the lack of purpose-built student accommodation nearby to the site and the existing varied character, it is not considered that the proposal will disrupt the existing community balance or have a detrimental impact on the character and residential amenity of the locality. The site is well served by existing transport links and will result in the creation of a satisfactory living environment.

The proposal complies with policy Hou 8.

b) Setting of listed buildings

Section 14(2) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states:

'In considering whether to grant listed building consent for any works, the planning authority or the Secretary of State, as the case may be, shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'.

The Historic Environment Scotland Policy for Scotland. (HEPS) states:

HEPS should be taken into account whenever a decision will affect the historic environment. It is also a material consideration for planning proposals that might affect the historic environment, and in relation to listed building consent.

Historic Environment Scotland's Guidance Note on Managing Change in the Historic Environment: Setting states that *setting can be important to the way in which historic structures or places are understood, appreciated and experienced. It can often be integral to a historic asset's cultural significance.*

Setting often extends beyond the property boundary or 'curtilage' of an individual historic asset into a broader landscape context. Both tangible and less tangible elements can be important in understanding the setting. Less tangible elements may include function, sensory perceptions or the historical, artistic, literary and scenic associations of places or landscapes.

LDP policy Env 3 (Listed Buildings - Setting) states that development affecting the setting of a listed building will be permitted only if not detrimental to the setting of the building.

The application site borders three listed buildings situated directly to the west. The Cross Keys Public House, the former Slateford Church and the Old Manse are all category B listed buildings.

The development reduces in height towards the west of the site but does sit half a storey higher than the consented scheme. The development to the rear is stepped back from the boundary with the church and the manse house, ensuring neither will be dominated by the proposal. The height of the block sited closest to the Cross Keys Pub will not extend beyond the highest point of this building and is set back from the street frontage. This ensures its setting is not adversely affected.

The proposal will not be detrimental to the setting of the nearby listed buildings and complies with LDP policy Env 3.

c) Landscape Quality of Greenbelt and Special Landscape Area

A small section of the site along the south eastern and eastern boundary will fall within a Special Landscape Area (SLA) and Green Belt as defined in the LDP. LDP policy Env 10 (Development in the Green Belt and Countryside) provides guidance on appropriate development within the green belt and to ensure that development keeps the landscape quality and/or rural character of the area. LDP policy Env 11 (Trees) states that development should not have a significant adverse impact on the special character or qualities of the Special Landscape Areas.

This area of land which falls within the application site is relatively small and represents a minor and isolated part of the city-wide Green Belt. The land is not publicly accessible and comprises hardstanding with an existing two and single storey building which makes no positive contribution to the landscape character of the area. The footprint of the proposed development does not encroach onto this area and maintains a degree of separation which currently exists between buildings on the site and the Water of Leith. There will be no adverse impact on the overall quality, character or appearance of the Green Belt or the SLA.

The proposals comply with LDP Policy Env 10 and Env 11.

d) Scale, form and design

LDP policy Des 1 (Design Quality and Context) states that planning permission will not be granted for poor quality or inappropriate design that would be damaging to the character and appearance of the area around it. Policy Des 10 (Waterside Development) states that planning permission will be granted for development on sites adjoining a watercourse where the proposal provides an attractive frontage to the water.

LDP policy Des 4 (Impact on setting) states that planning permission will be granted where it is demonstrated that it will have a positive impact upon its surroundings having regard to height and form, scale and proportion, position of buildings and materials and detailing.

The surrounding area is mixed residential/commercial in character encompassing detached and semi-detached dwelling houses and flatted properties. The recently approved housing development on the adjacent site to the north comprises three adjoining stepped blocks ranging from three to five storeys in height.

Each block of the proposed development ranges from three to five storeys in height and is comparatively lower than the consented scheme. The building sits unobtrusively within the street scene and reflects the evolving denser urban form of this townscape.

In terms of massing, the facade is broken up to give the appearance of a three-block building which responds to the scale of the existing buildings within the streetscape. The set back of the top floor further reduces the visual impact of the building from the street level and when viewed looking east along Lanark Road. The applicant has provided context elevation plans that demonstrate how the proposed height will be a positive feature in the area. The addition of balconies and ground floor terraces to the east elevation provides a more active frontage to the Water of Leith and reflects the design of the proposed neighbouring housing development.

The proposed contemporary design and use of a buff brick for the main elevations is appropriate in this context which harmonises with the materials proposed on the neighbouring housing development.

LDP policy Hou 4 (Housing Density) states that the council will seek an appropriate density of development on each site having regard to the need to create an attractive environment and safeguard living conditions within the development.

The area surrounding the proposal contains a mixture of uses, densities and varying building footprints. In the context of the surrounding area, this would introduce a development of higher density in comparison, but closer to recently consented development and existing apartment buildings along Lanark Road. The proposed density would introduce a high-density development at a sustainable location, while also contributing positively to the character of the area without damaging residential amenity or environmental quality.

LDP policy Hou 3 (Private Green Space in Housing Development) states that planning permission will be granted for development that makes adequate provision for green space to meet the needs of future residents. Green open space will be provided as 36% of the site. This will be in the form of a tiered courtyard, with seating and planting which will lead down to the level of the Water of Leith. The proposed landscaping design is appropriate within the existing context of hardstanding and will improve the current situation and the site's relationship with the Water of Leith.

The overall design will make a positive contribution to the site by replacing existing buildings of no intrinsic architectural merit with an appropriately scaled and designed building with an attractive mix of hard and soft landscaping.

The proposals are therefore acceptable in terms of scale, form, design and materials and will have no adverse effect on the character of the surrounding area, in compliance with LDP Policies Des 1, Des 4, Des 10, Hou 3 and Hou 4.

e) Impact on Biodiversity

LDP policy Env 16 (Species Protection) states that planning permission will not be granted for development that would have an adverse impact on species protected under European Law. LDP policy Env 15 (Sites of Local Importance) states that development likely to have an adverse impact on flora, fauna, landscape or geological features of a local nature conservation site will not be permitted.

The section of the Water of Leith situated directly to the south of the application site is designated as being a Local Nature Conservation Site in the LDP. An ecology survey has been submitted by the applicant. No bats, otters or badger were identified on site during the survey and are therefore not deemed to be adversely affected by the proposed development. The impact of the proposal is acceptable subject to conditions prohibiting tree works during periods which may affect bird breeding and requiring a method statement for the removal of invasive species which were identified by the survey.

A tree survey has been submitted and nine trees are identified for removal within the site. These individual trees are of poor quality and do not contribute to the landscape setting of the site. The trees located within the south western corner of the site between the boundary wall and river are of fair to poor quality, they are being retained and will be monitored during the construction process. A condition will be attached requiring these trees to be protected during construction works.

The proposal will not have an adverse impact on local biodiversity or species protection by European Law, or the flora, fauna landscape or geological features of the local nature conservation site. The proposal complies with LDP policies Env 15 and Env 16.

f) Amenity of Neighbouring Residents

LDP policy Des 5 (Development Design - Amenity) states that planning permission will be granted for development where the amenity of neighbouring developments is not adversely affected.

The proposal will not result in any adverse overshadowing or loss of daylight for any nearby residential properties and provides appropriate privacy distances to the properties to the west.

The proposal complies with LDP policy Des 5 and will not have an adverse impact on the amenity of neighbouring residents.

g) Parking, Road Safety

LDP policy Tra 2- (Private Car Parking) states that planning permission will be granted for development where proposed car parking provision complies with and does not exceed the parking levels set out in Council Guidance.

LDP policy Tra 3 - (Private Cycle Parking) states that planning permission will be granted for development where the proposed cycle parking and storage facilities comply with the standards set out in Council guidance.

The Roads Authority was consulted as part of the assessment of the application. It has confirmed that it has no objections to the proposals subject to suitable informatives being added to the consent.

The proposal complies with LDP policy Tra 2 and Tra 3.

h) Other Material Considerations

Flood Prevention

LDP policy Env 21 (Flood Protection) states that planning permission will not be granted for development that would increase a flood risk or be at risk of flooding itself.

A Drainage Strategy Report has been submitted with the application. Flood Planning and SEPA have raised no objection to the final scheme in terms of increased or integral flood risk.

The proposal complies with LDP policy Env 21.

Development of a Site of Archaeological Significance

The site lies within an area of archaeological importance both in terms of the late-medieval and post-medieval development of Slateford and its associated milling heritage. The associated ground works of the development could disturb archaeological remains in the area. Accordingly, a condition has been applied to ensure that an archaeological investigation is undertaken prior to works commencing.

The proposals will have no adverse impact on significant archaeological remains, in compliance with LDP Policy Env 9 (Development of sites of Archaeological Significance).

i) Public Comments

Material Objections

Massing and scale out of character with the area - this is addressed in section 3.3d

Lack of parking will have an impact locally - this is addressed in section 3.3g

Flood risk for the site - this is addressed in section 3.3h

Supporting Comments

New scheme is improved; and

Design is better than the consented scheme.

Community Council

Craiglockhart Community Council submitted an objection comment. Its comments are in relation to the removal of the parking within the site and that cramming in more flats at the upper levels contributes to over massing on this sensitive site.

Conclusion

In conclusion, the proposal is acceptable in principle and is of a suitable design form and scale which will not have an adverse impact on the character and appearance of the surrounding area. The proposal does not raise any issues in respect of parking, road safety, landscaping, biodiversity, flood prevention and will not have a detrimental impact on the setting of any listed buildings, the amenity of neighbouring residents or development of a site of archaeological significance.

It is recommended that this application be Granted subject to the details below.

3.4 Conditions/reasons/informatives

Conditions

1. The trees on the site shall be protected during the construction period by the erection of fencing, in accordance with BS 5837:2012 " Trees in relation to design, demolition and construction".
2. No development shall take place on the site until the applicant has secured and implemented a programme of archaeological work (historic building survey, conservation, excavation, reporting and analysis and publication) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority

3. Clearance of vegetation shall be carried out outside the bird nesting season March - August (inclusive). Should it be necessary to clear ground during the bird nesting season the land should be surveyed by a suitably qualified ecologist and declared clear of nesting birds before vegetation clearance starts.

Reasons:-

1. In order to safeguard protected trees.
2. In order to safeguard the interests of archaeological heritage.
3. In order to safeguard the interests of nature conservation.

Informatives

It should be noted that:

1. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
2. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.
3. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.
4. In support of the Council's LTS Cars1 policy, the applicant should contribute the sum of £18,000 (£1,500 per order plus £5,500 per car) towards the provision of 3 car club vehicles in the area. This is required to mitigate the overspill impacts of the proposed development;
5. Continues footway is required on all the existing access junctions. All dropped kerbs must be replaced as full height kerb;
6. Applicant to provide 134 cycle parking spaces and complies with the Council's minimum cycle parking requirement;
7. A minimum of 5 motorcycle parking spaces is required.
8. Any gate or doors must open inwards onto the property;

9. Any works to the footway must be carried out under permit and in accordance with the specifications. See Road Occupation Permits http://www.edinburgh.gov.uk/downloads/file/1263/apply_for_permission_to_create_or_alter_a_driveway_or_other_access_point
- 10 A welcome pack should be provided for each resident containing a high quality map of the neighbourhood, showing cycling, walking and public transport routes to key local facilities, plus timetables for local buses and trains. The applicant should consider providing at least a month's bus or rail travel vouchers for each resident.

Note:

- Current Council parking standards could permit a maximum of 22 car parking spaces for the development of 134 student rooms. The applicant proposes zero parking provision. Given the restricted nature of the site, the proximity to public transport, the on-road parking restrictions(limited parking in the area) and the proposed travel plan, and requirement of 3 car club provision to mitigate the overspill parking impacts, zero parking is considered acceptable;
- On street parking spaces on Lanark Road adjacent the Army Reserve Centre a potential location of Car club bays.
- There are 'Greenway' restrictions on Lanark Road which prevent parking and loading at certain times. There is no intention to amend these restrictions in connection with this development and the applicant should ensure that the proposed development does not require amendments to the
- T/DC/Response to Planning 4Aug19
- restrictions or layout of the road. It is noted that the submitted drawings do not accurately reflect the existing road layout.
- Refuse collection to be undertaken from Lanark Road.
- No parking survey and parking provision justification submitted by the applicant and this is normally a requirement.

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

5.1 Provided planning applications are determined in accordance with statutory legislation, the level of risk is low.

Equalities impact

6.1 The equalities impact has been assessed as follows:

The application has been assessed and has no impact in terms of equalities or human rights.

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

This application meets the sustainability requirements of the Edinburgh Design Guidance.

Consultation and engagement

8.1 Pre-Application Process

There is no pre-application process history.

8.2 Publicity summary of representations and Community Council comments

Four representations were received to the application. Two objection comments and two support comments. Objections were received from Craiglockhart Community Council. A full summary of the matters raised by the objectors can be found in section 3.3 of the main report.

Background reading/external references

- To view details of the application go to
- [Planning and Building Standards online services](#)
- [Planning guidelines](#)
- [Conservation Area Character Appraisals](#)
- [Edinburgh Local Development Plan](#)
- [Scottish Planning Policy](#)

Statutory Development

Plan Provision

The site is designated as being within the urban area in the adopted Edinburgh Local Development Plan.

Date registered

19 August 2019

Drawing numbers/Scheme

01,02,03A-13A,14,15A,16A,17-18,

Scheme 2

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Lynsey Townsend, Senior Planning Officer

E-mail:lynsey.townsend@edinburgh.gov.uk Tel:0131 529 3905

Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

LDP Policy Des 1 (Design Quality and Context) sets general criteria for assessing design quality and requires an overall design concept to be demonstrated.

LDP Policy Des 5 (Development Design - Amenity) sets criteria for assessing amenity.

LDP Policy Des 9 (Urban Edge Development) sets criteria for assessing development on sites at the Green Belt boundary.

LDP Policy Des 10 (Waterside Development) sets criteria for assessing development on sites on the coastal edge or adjoining a watercourse, including the Union Canal.

LDP Policy Tra 2 (Private Car Parking) requires private car parking provision to comply with the parking levels set out in Council guidance, and sets criteria for assessing lower provision.

LDP Policy Tra 3 (Private Cycle Parking) requires cycle parking provision in accordance with standards set out in Council guidance.

LDP Policy Env 3 (Listed Buildings - Setting) identifies the circumstances in which development within the curtilage or affecting the setting of a listed building will be permitted.

LDP Policy Env 11 (Special Landscape Areas) establishes a presumption against development that would adversely affect Special Landscape Areas.

LDP Policy Env 12 (Trees) sets out tree protection requirements for new development.

LDP Policy Env 15 (Sites of Local Importance) identifies the circumstances in which development likely to affect Sites of Local Importance will be permitted.

LDP Policy Env 16 (Species Protection) sets out species protection requirements for new development.

LDP Policy Env 21 (Flood Protection) sets criteria for assessing the impact of development on flood protection.

LDP Policy Des 3 (Development Design - Incorporating and Enhancing Existing and Potential Features) supports development where it is demonstrated that existing and potential features have been incorporated into the design.

LDP Policy Des 4 (Development Design - Impact on Setting) sets criteria for assessing the impact of development design against its setting.

LDP Policy Hou 3 (Private Green Space in Housing Development) sets out the requirements for the provision of private green space in housing development.

LDP Policy Hou 4 (Housing Density) sets out the factors to be taken into account in assessing density levels in new development.

Relevant Non-Statutory Guidelines

Non-statutory guidelines Student Housing Guidance interprets local plan policy, supporting student housing proposals in accessible locations provided that they will not result in an excessive concentration.

Non-Statutory guidelines Edinburgh Design Guidance supports development of the highest design quality and that integrates well with the existing city. It sets out the Council's expectations for the design of new development, including buildings, parking, streets and landscape, in Edinburgh.

Relevant Government Guidance on Historic Environment.

Managing Change in the Historic Environment: Setting sets out Government guidance on the principles that apply to developments affecting the setting of historic assets or places.

The Historic Environment Policy for Scotland 2019 outlines Government policy on how we should care for the historic environment when taking planning decisions.

Appendix 1

Application for Planning Permission 19/03380/FUL At 35 Lanark Road, Edinburgh, EH14 1TL Demolition of existing building and erection of purpose built student accommodation and all associated works (amendment to planning consent 16/06275/FUL)

Consultations

Roads Authority

No objections to the application subject to the following being included as conditions or informatives as appropriate:

- 1. In support of the Council's LTS Cars1 policy, the applicant should contribute the sum of £18,000 (£1,500 per order plus £5,500 per car) towards the provision of 3 car club vehicles in the area. This is required to mitigate the overspill impacts of the proposed development;*
- 2. Continues footway is required on all the existing access junctions. All dropped kerbs must be replaced as full height kerb;*
- 3. Applicant to provide 134 cycle parking spaces and complies with the Council's minimum cycle parking requirement;*
- 4. A minimum of 5 motorcycle parking spaces is required.*
- 5. Any gate or doors must open inwards onto the property;*
- 6. Any works to the footway must be carried out under permit and in accordance with the specifications. See Road Occupation Permits
http://www.edinburgh.gov.uk/downloads/file/1263/apply_for_permission_to_create_or_alter_a_driveway_or_other_access_point*
- 7. A welcome pack should be provided for each resident containing a high quality map of the neighbourhood, showing cycling, walking and public transport routes to key local facilities, plus timetables for local buses and trains. The applicant should consider providing at least a month's bus or rail travel vouchers for each resident.*

Note:

- o Current Council parking standards could permit a maximum of 22 car parking spaces for the development of 134 student rooms. The applicant proposes zero parking provision. Given the restricted nature of the site, the proximity to public transport, the on-road parking restrictions(limited parking in the area) and the proposed travel plan, and requirement of 3 car club provision to mitigate the overspill parking impacts, zero parking is considered acceptable;*
- o On street parking spaces on Lanark Road adjacent the Army Reserve Centre a potential location of Car club bays.*
- o There are 'Greenway' restrictions on Lanark Road which prevent parking and loading at certain times. There is no intention to amend these restrictions in connection with this development and the applicant should ensure that the proposed development does not require amendments to the*

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restrictions or layout of the road. It is noted that the submitted drawings do not accurately reflect the existing road layout.

o Refuse collection to be undertaken from Lanark Road.

o No parking survey and parking provision justification submitted by the applicant and this is normally a requirement.

Archaeology response

The site occupies the eastern half of the historic village of Slateford which, as the name suggests, grew up around the historic ford across the Water of Leith at this point. Occupation around such an important ford is likely to have occurred prior to the first reference to the settlement here in the mid-17th century (Stuart Harris Place Names of Edinburgh, 1996) with the road forming main medieval route between Edinburgh & Lanark. Little is accurately known about the pre 19th century layout of Slateford, though the 17th and 18th century maps suggest that its main focus was split between the site of its mill on Inglis Green Road and on the eastern bank of Water of Leith (the site of the current public house). By the mid-19th century settlement on the western bank had developed with a range of buildings shown occupying this application site on the 1st edition OS map (the remains of which are still seen in the surviving boundary wall fronting Lanark Rd)

Mills have existed on the Water of Leith at Slateford from probably the medieval period, with Slateford Waulk Mill first recorded in 1659. This 17th century mill stood on the opposite side of the Lanark Road, too the south of the Union Canal Aqueduct. The development site is known to overly the remains of the mill-lade associated with this 17th-20th century Mill. Furthermore, it is recorded that a sluice gate once stood on the river boundary of the site before disappearing under a development of the car park by late 1980's. The date of the current stone weir is unknown however it is likely to date at least in part to the 17th century given its association with Slateford Mill.

The site is regarded as occurring within an area of archaeological significance relating both to the historic settlement of Slateford and its post-medieval milling industry. This application must be considered therefore under terms the Historic Environment Scotland's Policy Statement (HESPS) & Archaeology Strategy, Scottish Planning Policy (SPP), PAN 02/2011 and Edinburgh Local Development Plan (2016) Policies ENV8, ENV9. The aim should be to preserve archaeological remains in situ as a first option, but alternatively where this is not possible, archaeological excavation or an appropriate level of recording may be an acceptable alternative.

Historic Buildings

The current site is occupied by a range of buildings and boundary walls which appear to date back in part to the 19th century. The proposed scheme will see the demolition of these structures and walls considered to be local archaeological interest, as such their loss is considered as having a significant but acceptable impact subject to their recording. Accordingly, if permission is granted it is essential that prior to and during demolition that a detailed historic building survey is undertaken. This will require the production of surveyed phased plans and elevation (interior and exterior) along with detailed descriptions and photographic analysis /survey.

Buried Archaeology

As stated this site is regarded as being of archaeological significance primarily in terms of its post-medieval industrial and settlement archaeology associated with Slateford. The proposed development will require extensive excavations in terms of demolition, construction, landscaping, utilities etc. Accordingly, it is recommended that a programme of archaeological excavation is undertaken post-demolition and prior to development.

In essence, this will see a phased archaeological programme of works, the initial phase being an archaeological evaluation up to a maximum of 10% of the site. The results of which would allow for the production of appropriate more detailed mitigation strategies to be drawn up to ensure the appropriate protection of the surviving mill dams/lade and the full excavation, recording and analysis of any further surviving archaeological remains.

Archaeological Public Engagement

Further given the potential importance of these remains in terms of the local Slateford Area and the Water of Leith, it is recommended that the programme of archaeological works contain a programme of public/community engagement (e.g. site open days, viewing points, temporary interpretation boards) the scope of which will be agreed with CECAS.

Accordingly, it is essential that the following condition is attached to this consent to ensure that undertaking of the above elements of archaeological work are undertaken.

'No demolition/development shall take place on the site until the applicant has secured and implemented a programme of archaeological work (historic building recording, preservation, excavation, public engagement, reporting & analysis and publication) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.'

The work must be carried out by a professional archaeological organisation, either working to a brief prepared by CECAS or through a written scheme of investigation submitted to and agreed by CECAS for the site. Responsibility for the execution and resourcing of the programme of archaeological works and for the archiving and appropriate level of publication of the results lies with the applicant.

SEPA

We have no objection to the proposed development on flood risk grounds. Notwithstanding this, we would expect Edinburgh Council to undertake their responsibilities as the Flood Prevention Authority.

Technical Report

1. *In October 2019, we queried the flood levels provided in drawings and the versions of the Kaya Flood Risk Assessments (FRAs) that were used to derive those flood levels. To be clear, no detailed FRA has been submitted in support of the current application. It is reliant on FRAs from previous applications. The council should be satisfied with this approach and its auditability.*

2. A flood level of 60.4mAOD is identified on the Post Development Overland Flow Paths drawing. Through review of historic cases, this level is based on an FRA dated July 2017, which was based on a 1:200 year flow of 73.1m³/s. Again, through review of historic cases, we subsequently removed our objection to this application in April 2018 as a peak 1:200 year flow of 79.5m³/s had been agreed.

3. This led to us querying the provision of an outdated flood level that was not supported by a detailed FRA for the current application. An update has been provided by Kaya Consulting Ltd (dated 27 September 2019 - although as we only queried this in late October we assume the date is wrong). To be clear, this is not a detailed FRA and cannot be read in isolation.

4. Review of the Pre-Development Directional Flow Plan drawing and the Post Development Overland Flow Paths drawing, there does appear to be minor changes to ground levels within the functional floodplain. The information provided by Kaya Consulting in their update does state that land-raising and the provision of compensatory storage was removed from the final design. The council may wish to explore this further to ensure they are reviewing the latest information.

5. The Kaya Consulting update has produced updated flood levels based on a climate change allowance of 40% in line with current guidance. Finished floor levels are 61.8mAOD and the modelled flood levels for the 1:200 year event including a 40% allowance for climate change range between 60.64mAOD and 59.08mAOD. Therefore, finished floor levels are elevated above 1:200 year flood level including an allowance for climate change.

6. We would recommend that flood resistant and resilient materials are considered during building design and construction as the Post Development Overland Flow Paths drawing has floodwater touching one of the proposed buildings.

7. In summary, the council should be satisfied with the information submitted in this application is sufficient. We would welcome re-consultation should changes be made to the drawings or a detailed FRA is submitted in support of the application.

Caveats & Additional Information for Applicant

The SEPA Flood Maps have been produced following a consistent, nationally-applied methodology for catchment areas equal to or greater than 3km² using a Digital Terrain Model (DTM) to define river corridors and low-lying coastal land. The maps are indicative and designed to be used as a strategic tool to assess flood risk at the community level and to support planning policy and flood risk management in Scotland. For further information please visit <http://www.sepa.org.uk/environment/water/flooding/flood-maps/>

We refer the applicant to the document entitled: "Technical Flood Risk Guidance for Stakeholders". This document provides generic requirements for undertaking Flood Risk Assessments and can be downloaded from <http://www.sepa.org.uk/environment/land/planning/guidance-and-advice-notes/>. Please note that this document should be read in conjunction Policy 41 (Part 2).

Our Flood Risk Assessment checklist should be completed and attached within the front cover of any flood risk assessments issued in support of a development proposal which

may be at risk of flooding. The document will take only a few minutes to complete and will assist our review process. It can be downloaded from <https://www.sepa.org.uk/media/159170/flood-risk-assessment-checklist.xlsx>

Please note that we are reliant on the accuracy and completeness of any information supplied by the applicant in undertaking our review, and can take no responsibility for incorrect data or interpretation made by the authors.

The advice contained in this letter is supplied to you by SEPA in terms of Section 72 (1) of the Flood Risk Management (Scotland) Act 2009 on the basis of information held by SEPA as at the date hereof. It is intended as advice solely to Edinburgh Council as Planning Authority in terms of the said Section 72 (1). Our briefing note entitled: "Flood Risk Management (Scotland) Act 2009: Flood risk advice to planning authorities" outlines the transitional changes to the basis of our advice in line with the phases of this legislation and can be downloaded from <http://www.sepa.org.uk/environment/land/planning/guidance-and-advice-notes/>.

SEPA updated response

We have no objection to the proposed development on flood risk grounds. Notwithstanding this, we would expect Edinburgh Council to undertake their responsibilities as the Flood Prevention Authority.

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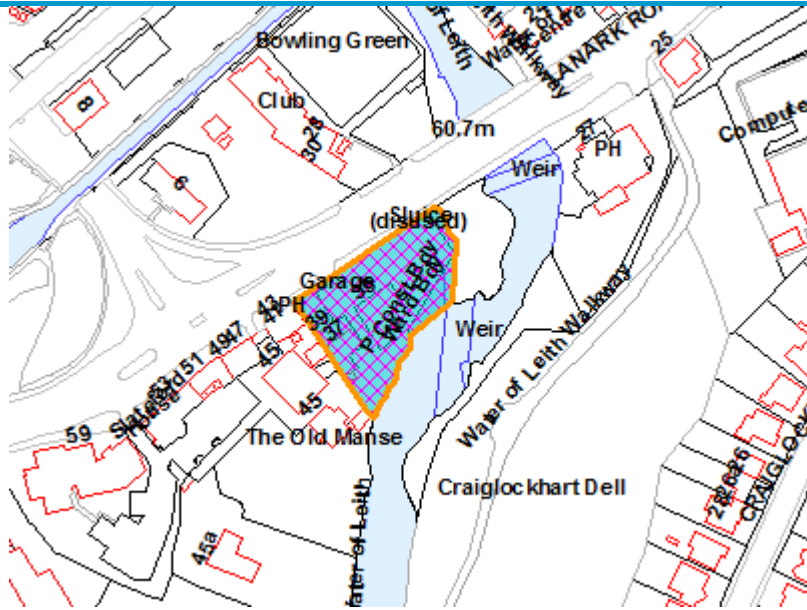
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Flood Planning comment

We are happy for this application to be determined with no further comments from our department.

Location Plan



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